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TRANSLATION

OF

THE PENAL CODE

IN FORCE IN

CUBA AND PORTO RICO.

DIVISION OF CUSTOMS AND INSULAR AFFAIRS,
WAR DEPARTMENT.
July, 1900.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1900.

TRANSLATION

[illegible]

THE PENAL COD[illegible]

[illegible]

CUBA AND PORT[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

TITLE I.—Crimes against the external security of the State—Continued. Page.
Chapter III. Crimes against international law 42
Chapter IV. Crimes of piracy 43
TITLE II.—Crimes against the constitution 43
Chapter I. Crimes of lèse majesté, against the Cortes, the Council of Ministers, and against the form of government 43
Section I. Crimes of lèse majesté 43
Section II. Crimes against the Cortes and its members and against the Council of Ministers 44
Section III. Crimes against the form of government 46
Section IV. Provisions common to the three preceding sections 47
Chapter II. Crimes committed on the occasion of the exercise of the individual rights guaranteed by the constitution 47
Section I. Crimes committed by individuals on the occasion of the exercise of individual rights guaranteed by the constitution 47
Section II. Crimes committed by public officials against the exercise of individual rights guaranteed by the constitution 50
Section III. Crimes in violation of the constitutional provisions relating to religion and worship 56
Section IV. Provisions common to the three preceding sections 58
TITLE III.—Crimes against public order 58
Chapter I. Rebellion 58
Chapter II. Sedition 60
Chapter III. Provisions common to the two preceding chapters 61
Chapter IV. Criminal attempts against the authorities and their agents, resistance, and disobedience 62
Chapter V. Acts of disrespect, insults, acts of contumely and threats against authorities, and insults, acts of contumely and threats against their agents and other public officials 62
Chapter VI. Public disorders 63
Chapter VII. Provisions common to the three preceding chapters 64
TITLE IV.—Falsities and falsifications 65
Chapter I. Falsification of the royal signature or stamp, the signature of ministers, seals and marks 65
Section I. Falsification of the royal signature or stamp and the signature of ministers 65
Section II. Falsification of seals and marks 65
Chapter II. Counterfeiting of money 67
Chapter III. Falsification of bank notes, instruments of credit, stamped paper, postage stamps, and other stamped articles whose sale is reserved to the State 68
Chapter IV. Falsification of documents 69
Section I. Falsification of official and commercial documents and telegraphic dispatches 69
Section II. Falsification of private documents 70
Section III. Falsification of passports, *cédulas* of residence, and certificates 70
Chapter V. Provisions applicable to the four preceding chapters 71
Chapter VI. Fraudulent concealment of property or industry, false testimony and false accusation and denunciation 72
Chapter VII. Usurpation of office, rank, and title, and improper use of names, dress, insignia, and decorations 74
TITLE V.—Violation of laws relating to interments, violation of sepulchers and offenses against the public health 75
Chapter I. Violation of laws relating to interments and the violation of sepulchers 75
Chapter II. Offenses against the public health 76

Page.
TITLE VI.—Gambling and raffles 77
TITLE VII.—Offenses committed by public employees in the discharge of their office 77
Chapter I. Dereliction of duty 77
Chapter II. Faithlessness in the custody of prisoners 79
Chapter III. Faithlessness in the custody of documents 79
Chapter IV. Violation of secrets 80
Chapter V. Disobedience and refusal of cooperation 81
Chapter VI. Anticipation, prolongation and abandonment of public duties 81
Chapter VII. Usurpation of prerogatives and illegal appointments to office 82
Chapter VIII. Abuses against chastity 83
Chapter IX. Bribery 83
Chapter X. Misappropriation of public funds 85
Chapter XI. Frauds and illegal exactions 86
Chapter XII. Transactions forbidden public employees 87
Chapter XIII. General provisions 87
TITLE VIII.—Crimes against persons 87
Chapter I. Parricide 87
Chapter II. Assassination 87
Chapter III. Homicide 88
Chapter IV. Provisions common to the three preceding chapters 89
Chapter V. Infanticide 89
Chapter VI. Abortion 89
Chapter VII. Personal injuries inflicted by violence (*lesiones*) 90
Chapter VIII. General provisions 92
Chapter IX. Dueling 92
TITLE IX.—Crimes against chastity 94
Chapter I. Adultery 94
Chapter II. Rape (*violación*) and abuse of chastity 95
Chapter III. Crimes of public scandal 95
Chapter IV. Seduction and corruption of minors 96
Chapter V. Abduction (*rapto*) 97
Chapter VI. Provisions common to the preceding chapters 97
TITLE X.—Crimes against honor 98
Chapter I. Calumny 98
Chapter II. Contumely 99
Chapter III. General provisions 100
TITLE XI.—Crimes against the civil status of persons 101
Chapter I. Fictitious representation of childbirth and usurpation of civil status 101
Chapter II. Celebration of illegal marriages 101
TITLE XII.—Crimes against liberty and security 102
Chapter I. Unlawful detentions 102
Chapter II. Abduction of infants 103
Chapter III. Abandonment of children 104
Chapter IV. Provision common to the three preceding chapters 104
Chapter V. Forcible entry of dwellings 104
Chapter VI. Threats and acts of compulsion 105
Chapter VII. Discovery and revelation of secrets 105
TITLE XIII.—Crimes against property 106
Chapter I. Robbery 106
Chapter II. Theft 109

TITLE XIII.—Crimes against property—Continued. Page.
Chapter III. Appropriation of slaves belonging to others and flight of slaves 110
Chapter IV. Usurpation 110
Chapter V. Frauds 111
Section I. Absconding and criminal failure and insolvency 111
Section II. Swindles and other false pretenses 113
Chapter VI. Plots to alter the prices of things 115
Chapter VII. Pawnbroking establishments 115
Chapter VIII. Arson and other malicious destruction of property 116
Chapter IX. Damage to property 118
Chapter X. General provisions 119
TITLE XI.—Reckless negligence 119

BOOK III.—*Misdemeanors and their penalties.*

TITLE I. Misdemeanors against public order 121
TITLE II. Misdemeanors against public interests and the government of towns 122
TITLE III. Misdemeanors against the person 125
TITLE IV. Misdemeanors against property 127
TITLE V. Provisions common to all misdemeanors 130
Final provision 130

APPENDIX.

Headquarters Division of Cuba:
Order No. 67, June 1, 1899 135
112, July 20, 1899 135
118, July 24, 1899 136
125, July 31, 1899 137
230, December 4, 1899 137
26, January 18, 1900 138
116, March 17, 1900 138
150, April 10, 1900 139
165, April 19, 1900 139
217, May 28, 1900 140
239, June 12, 1900 142
Headquarters Department of Porto Rico:
General Order No. 109, July 31, 1899 143
128, August 24, 1899 144
129, August 24, 1899 145
151, September 27, 1899 146
152, September 29, 1899 147
54, March 12, 1900 148
87, April 25, 1900 148
Penalties 150

ROYAL DECREE.

Upon the recommendation of the Colonial Secretary, with the advice and consent of the Council of Secretaries, and by virtue of the authority vested in my Government by article 89 of the Constitution of the Monarchy,

I hereby decree the following:

ART. 1. The amended Penal Code of June 17, 1870, shall be published and go into effect from the date of its publication in the territory within the jurisdiction of the islands of Cuba and Porto Rico, with the amendments recommended by the commission which has had charge of this work.

ART. 2. In the same manner there shall be published and observed in the islands referred to in the foregoing article the provisional law of criminal procedure for the application of said Code, with the changes recommended by the said commission.

ART. 3. The Government shall inform the Cortes of this decree and of the modified laws which are applied thereby to the colonial provinces.

Given at the palace on May 23, 1879.

ALFONSO.

SALVADOR DE ALBACETE,
Colonial Secretary.

PENAL CODE.

BOOK I.

GENERAL PROVISIONS REGARDING CRIMES AND MISDEMEANORS, THE PERSONS LIABLE, AND THE PENALTIES.

TITLE I.

CRIMES AND MISDEMEANORS, AND CIRCUMSTANCES WHICH EXEMPT FROM, EXTENUATE, OR AGGRAVATE CRIMINAL LIABILITY.

CHAPTER I.

CRIMES AND MISDEMEANORS.

ART. 1. Crimes or misdemeanors are voluntary acts and omissions punished by law.

Acts and omissions punished by law are always presumed to be voluntary unless the contrary shall appear.

Any person voluntarily committing a crime or misdemeanor shall incur criminal liability, even though the wrongful act committed be different from that which he had intended to commit.

ART. 2. In case a court should have knowledge of any act which it considers proper to repress and which is not punished by law, it shall abstain from any proceedings in the matter, and shall state to the Government the reasons which induce it to believe that the act should be the object of penal legislation.

The court shall apply to the Government in the same manner, stating what may be proper, without prejudice to immediately imposing sentence, when a strict application of the provisions of the code would result in an excessive penalty, taking into consideration the degree of malice and the injury caused by the crime.

ART. 3. Not only is a consummated crime punishable, but also a frustrated crime and an attempt.

A crime is frustrated when the guilty person performs all of the acts of execution which should produce the crime as their consequence, but nevertheless do not constitute it by reason of causes independent of the will of the perpetrator.

There is an attempt when the guilty person makes a beginning in the commission of a crime directly by overt acts, and does not perform all of the acts of execution which should produce the crime by reason of some cause or accident other than his own voluntary desistance.

ART. 4. A conspiracy and proposition to commit a crime are punishable only in the cases in which the law specially penalizes them.

There is a conspiracy when two or more persons act together for the commission of a crime and decide to commit it.

There is a proposition when the person who has decided to commit a crime proposes its execution to one or more persons.

ART. 5. Misdemeanors are punishable only when they have been consummated.

Exception is made of frustrated misdemeanors against persons or property.

ART. 6. Crimes are considered "grave" which the law punishes by penalties which in any of their degrees are corporal.

Crimes are considered "less grave" which the law represses by penalties which in their maximum degree are correctional.

Misdemeanors are infractions for which the law establishes light penalties.

ART. 7. Crimes which are punished by special laws are not subject to the provisions of this code.

CHAPTER II.

CIRCUMSTANCES WHICH EXEMPT FROM CRIMINAL LIABILITY.

ART. 8. The following are not delinquent and are therefore exempt from criminal liability:

1. An imbecile or lunatic, except when the latter has acted during a lucid interval.

When the imbecile or lunatic may have committed an act which the law defines as a "grave crime" the court shall order his confinement in one of the asylums established for persons thus afflicted, which he shall not be permitted to leave without the previous authorization of the same court.

If the act committed by the imbecile or lunatic is defined by the law as a "less grave crime" the court, according to the attendant circumstances, shall proceed in accordance with the provisions contained in the foregoing paragraph or turn over the imbecile or lunatic to his family, if the latter give sufficient security for his custody.

2. A person under 9 years of age.

3. A person over 9 years of age and under 15, unless he has acted with the exercise of judgment.

The court shall make an express declaration with regard to this point in imposing a penalty or in declaring said person irresponsible.

When the minor is declared irresponsible, in accordance with the provisions of this and of the preceding number, he shall be delivered to his family with a charge to guard and educate him. In the absence of a person to guard and educate him he shall be taken to a charitable institution for the education of orphans and foundlings, and he shall not leave said institution except at the time and under the conditions prescribed for its inmates.

4. He who acts in defense of his person or rights, provided there are the following attendant circumstances:

(1) Illegal aggression.

(2) Reasonable necessity of the means employed to prevent or repel it.

(3) Lack of sufficient provocation on the part of the person defending himself.

5. He who acts in defense of the person or rights of his spouse, ascendants, descendants, or legitimate, natural, or adopted brothers or sisters, or of his relatives by affinity in the same degrees, and those by consanguinity within the fourth civil degree, provided the first and second circumstances mentioned in the foregoing number are attendant, and provided that in case the party attacked first gave provocation, the defender took no part therein.

6. A slave acting in defense of his master, and a gratuitously emancipated freedman in that of his patron, and either when acting in defense of the spouses, ascendants, descendants, or brothers or sisters of the said master or patron, provided that in any of these cases the first and second circumstances mentioned in No. 4 of this article are attendant, and that in case there was provocation on the part of the party attacked the defender took no part therein.

7. He who acts in defense of the person or rights of a stranger, provided the first and second circumstances mentioned in No. 4 are attendant, and that the defender is not actuated by revenge, resentment, or other illegal motive.

8. He who in order to avoid an injury performs an act that causes damage to another's property, provided the following circumstances are attendant:

(1) Should the injury sought to be avoided really exist.

(2) Should it be greater than that caused to avoid it.

(3) Should there be no other practicable and less injurious means to prevent it.

9. He who while performing a legal act with due care causes some injury by mere accident without liability or intention of causing it.

10. He who acts by compulsion of an irresistible force.

11. He who acts under the impulse of an uncontrollable fear of an equal or greater injury.

12. He who acts in the fulfillment of a duty or in the legitimate exercise of a right, trade, or office.

13. He who acts by virtue of obedience due another.

14. He who is guilty of an act of omission, being prevented by legitimate or insuperable causes.

CHAPTER III.

CIRCUMSTANCES WHICH EXTENUATE CRIMINAL LIABILITY.

ART. 9. The following are extenuating circumstances:

1. Those mentioned in the preceding chapter, when all the requisites necessary to exempt from criminal liability in the respective cases are not attendant.

2. When the culprit is under 18 years of age.

3. When the delinquent had no intention of committing so grave an injury as that which he inflicted.

4. When sufficient provocation or threat on the part of the injured party immediately preceded the act.

5. When the act was committed in the immediate vindication of a grave offense committed against the author of the crime, his spouse, ascendants, descendants, his legitimate, natural, or adopted brothers or sisters, or relatives by affinity in the same degrees.

6. When the act was committed in a state of intoxication, if the latter were not habitual or subsequent to the plan to commit the crime.

The courts shall decide in view of the circumstances of the persons and of the acts when intoxication is to be considered habitual.

7. When the person has acted under such powerful excitement as would naturally produce entire loss of reason and self-control.

8. And, finally, any other circumstance of a similar nature and analogous to the foregoing ones.

CHAPTER IV.

CIRCUMSTANCES WHICH AGGRAVATE CRIMINAL LIABILITY.

ART. 10. The following are aggravating circumstances:

1. When the injured person is the spouse or ascendant, descendant, legitimate, natural, or adopted brother or sister, or relative by affinity in the same degrees of the offender.

2. When the injured person is the master or patron of the offender, or the spouse, ascendant, descendant, or legitimate brother or sister of the same.

3. When the act is committed with treachery.

There is treachery when the culprit commits any crime against persons employing means, methods, or forms in the execution thereof which tend to directly and specially insure it without risk to the person of the criminal arising from the defense the injured party might make.

4. When the crime is committed in consideration of a price, reward, or promise.

5. When it is committed by means of inundation, fire, poison, explosion, stranding of a vessel or intentional damage, derailment of a locomotive, or by the use of any other artifice involving great destruction.

6. When the crime is committed by means of printing, lithography, photography, or other similar means facilitating publicity.

Courts shall take this circumstance into consideration, qualifying it as aggravating or extenuating, according to the nature and effects of the crime.

7. When the evil accomplished by the crime is deliberately increased by causing other evils unnecessary for its execution.

8. When the act is committed with evident premeditation.

9. When craft, fraud, or disguise is employed.

10. When advantage is taken of superior strength or means are employed to weaken the defense.

11. When the act is committed with abuse of confidence.

12. When advantage is taken by the culprit of his public position.

13. When means are employed or circumstances brought about which add ignominy to the natural effects of the act.

14. When the crime is committed on the occasion of a fire, shipwreck, or other calamity or misfortune.

15. When the crime is committed with the assistance of armed persons, or of persons who assure or provide immunity.

16. When it is committed at night, or in an uninhabited place or by a gang.

The court shall take this circumstance into consideration according to the nature and characteristics of the crime.

17. When the crime is committed in contempt of or with insult to the public authority.

18. When the culprit has been previously punished for a crime for which the law fixes an equal or greater penalty, or for two or more crimes for which it fixes a lighter penalty.

This circumstance shall be taken into consideration by the courts according to the circumstances of the delinquent and the nature and effects of the crime.

19. When he is a recidivist.

A recidivist is the culprit who being found guilty of one crime should have been sentenced for another crime included in the same title of the code.

20. When the crime is committed in a sacred place, in the palace of the Governor-General, or in the presence of the latter, or where public authorities are engaged in the discharge of their duties.

21. When the act is committed with insult or in disregard for the respect which may be due the aggrieved party on account of his rank, age, or sex, or when it is committed in his dwelling if he has not given provocation.

22. When the act is committed against a white person by one who is not white.

This circumstance shall be taken into consideration by courts according to the nature and characteristics of the crime.

23. When the act is committed by wrongful entry.

Wrongful entry is such as is effected through any way not intended for the purpose.

24. When it is committed by breaking through a wall, roof, or floor, or by forcing doors or windows.

25. When the culprit is a vagrant.

By a vagrant is understood a person who possesses no property or income, does not habitually exercise any profession, art, or trade, and has no employment, office, industry, lawful occupation, or any other legitimate or known means of earning a livelihood, even though he may be married and have a fixed domicile.

26. When the act is committed by the use of arms prohibited by the regulations.

TITLE II.

PERSONS LIABLE FOR CRIMES AND MISDEMEANORS.

CHAPTER I.

PERSONS CRIMINALLY LIABLE FOR CRIMES AND MISDEMEANORS.

ART. 11. The following are criminally liable for crimes:

1. Principals.
2. Accomplices.
3. Accessories.

The following are criminally liable for misdemeanors:

1. Principals.
2. Accomplices.

ART. 12.[1] The following are considered principals:

1. Those who take a direct part in the execution of the act.
2. Those who directly force or induce others to execute it.
3. Those who cooperate in the execution of the act by another act without which it could not have been accomplished.

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[1] See Order No. 67, Headquarters Division of Cuba, June 1, 1899, page 135.

ART. 13. Accomplices are those persons who, not being included in the preceding article, cooperate in the execution of the act by other previous or simultaneous acts.

ART. 14. Accessories are those who, having knowledge of the commission of the crime, and without having participated therein either as principal or accomplices, subsequently take part in its execution in any of the following manners:

1. By themselves making profit or by assisting the delinquents to profit by the effects of the crime.

2. By concealing or rendering useless the body, effects, or instruments of the crime in order to prevent its discovery.

3. By harboring, concealing, or assisting in the escape of the culprit, provided any of the following circumstances are attendant:

(1) When the accessory takes advantage of any public office he may be holding.

(2) When the delinquent is guilty of treason, regicide, parricide, assassination, attempt against the life of the Governor-General, or known to be an habitual criminal in any other crime.

ART. 15. Those who are accessories of their spouses, ascendants, descendants, legitimate, natural, or adopted brothers or sisters, or relatives by affinity in the same degrees, are exempt from the penalties imposed upon accessories; also slaves and freedmen with regard to their masters and patrons or the spouses or other relatives of the latter in the degrees mentioned, with the only exception of such accessories as may be included in No. 1 of the preceding article.

CHAPTER II.

PERSONS CIVILLY LIABLE FOR CRIMES AND MISDEMEANORS.

ART. 16. Every person criminally liable for a crime or misdemeanor is also civilly liable.

ART. 17. The exemption from criminal liability declared in Nos. 1, 2, 3, 8, and 11 of article 8 does not include exemption from civil liability, which shall be enforced subject to the following rules:

(1) In cases 1, 2, and 3, the persons who are civilly liable for acts committed by a lunatic or imbecile, or a person under 9 years of age, or over this age and under 15, who has not acted with the exercise of judgment, are those who have them under their authority, legal guardianship, or power, unless they prove that there was no blame or negligence on their part.

Should there be no person having them under his authority, legal guardianship, or power, or if such person be insolvent, the said lunatics, imbeciles, or minors shall answer with their own property, excepting that part which is exempted for their support in accordance with the civil law.

(2) In the case of No. 7, those persons are civilly liable from whom the injury was warded off in proportion to the benefit they may have derived.

The court shall fix, according to its judgment, the proportional amount for which each interested party shall be liable.

When the respective amounts can not be equitably apportioned, even approximately, or when the liability extends to the State or the greater part of a town, and in any case, if the damage were caused with the assent of the authorities or their agents, indemnity shall be made in the manner prescribed by special laws and regulations.

(3) In the case of No. 11, those who caused the fear shall be principally liable, and subsidiarily, in the absence of the former, those who committed the act, reserving with regard to the latter the benefit of competency.

ART. 18. Innkeepers, tavern keepers, and any other persons or enterprises shall be civilly liable, in the absence of persons criminally so, for crimes committed within their establishments, whenever any infraction of general or special police regulations by them or their employees may have occurred.

Innkeepers are furthermore subsidiarily liable for the restitution of effects robbed or stolen within their houses from persons who are stopping therein, or for the indemnification of said goods, provided the persons have notified in advance either the innkeeper himself, or the person representing him, of the deposit of said effects in the inn; and provided furthermore, that they have heeded the warnings that said innkeepers or their substitutes may have given them with regard to the care and vigilance of their effects. There shall be no liability in case of robbery by violence or intimidation of persons, except it be committed by the employees of the inn.

ART. 19. The subsidiary liability established in the preceding article shall also apply to masters, teachers, persons, and enterprises engaged in any kind of industry, for crimes and misdemeanors committed by their slaves, pupils, officers, apprentices, or employees in the discharge of their obligations or service.

TITLE III.

PENALTIES.

CHAPTER I.

PENALTIES IN GENERAL.

ART. 20. No crime or misdemeanor shall be punished by a penalty which was not established by law prior to its commission.

ART. 21. Penal laws shall have a retroactive effect in so far as they favor the person guilty of a crime or misdemeanor, even though at

the time of the publication of said laws a final sentence should have been pronounced and the convicted person is serving his sentence.

ART. 22. The pardon of the offended party does not extinguish a penal action. This is not understood with regard to crimes which can not be prosecuted without the previous denunciation or consent of the injured party.

Civil liability with regard to the interests of the party condoning an offense is extinguished by his express renunciation.

ART. 23. The following shall not be considered as penalties:

1. Detention and temporary confinement of the accused persons.

2. Suspension from public employment or office ordered during proceedings, or in order to institute them.

3. Fines and other corrections which, in the use of their administrative or disciplinary powers, superiors may impose upon their subordinates or upon those under their direction.

4. Deprivation of rights and reparations, which the civil laws may establish in penal form.

CHAPTER II.

CLASSIFICATION OF PENALTIES.

ART. 24.[1] The penalties which may be imposed according to this code, and their different classes, are those included in the following general scale:

Corporal penalties.—Death; *cadena perpetua; reclusión perpetua; relegación perpetua;* perpetual expulsion; *cadena temporal; reclusión temporal; relegación temporal;* temporary expulsion; *presidio mayor; prisión mayor; confinamiento;* perpetual absolute disqualification; temporary absolute disqualification; perpetual special disqualification from public office, the right of suffrage, active and passive, and from the exercise of a profession or trade; temporary special disqualification from a public office, the right of suffrage, both active and passive, and from the exercise of a profession or trade.

Correctional penalties.—Presidio correccional; prisión correccional; banishment; public censure; suspension from public office, active and passive right of suffrage, and from the exercise of a profession or trade; *arresto mayor.*

Light penalties.—Arresto menor; private censure.

Penalties common to the three preceding classes.—Fine; caution.

Accessory penalties.—Degradation; civil interdiction; subjection to the surveillance of the authorities; forfeiture or confiscation of the instruments and proceeds of the crime; payment of costs.

ART. 25. A fine, when imposed as the principal penalty, shall be considered as a corporal penalty if it exceeds 6,250 pesetas; as correc-

[1] See Order No. 26, Headquarters Division of Cuba, January 18, 1900, page 138.

tional if it does not exceed 6,250 and is not less than 325 pesetas, and light if it does not amount to 325 pesetas.

ART. 26. The penalties of disqualification and suspension from public office and the right of suffrage are accessory in those cases when, not being specially imposed by law, it declares that other penalties shall include them.

Costs of proceedings are understood to be imposed by law upon those criminally liable for any crime or misdemeanor.

CHAPTER III.

DURATION AND EFFECT OF PENALTIES.

SECTION I.—*Duration of penalties.*

ART. 27. Persons condemned to *cadena*, *reclusión*, and *relegación perpetuas*, or to perpetual expulsion, shall be pardoned after having served thirty years of their sentence, unless on account of their conduct or for other serious reasons they shall not be worthy of pardon in the opinion of the Government.

The penalties of *cadena*, *reclusión*, and *relegación temporales*, and temporary expulsion, shall last for twelve years and one day to twenty years.

Those of *presidio* and *prisión mayores* and *confinamiento* shall last from six years and one day to twelve years.

Those of temporary absolute and temporary special disqualification shall last from six years and one day to twelve years.

Those of *presidio correccional* and *prisión correccional* shall last from six months and one day to six years.

That of suspension shall last from one month and one day to six years.

That of *arresto mayor* shall last from one month and one day to six months.

That of *arresto menor* shall last from one to thirty days.

That of caution shall last for the time the court may determine.

ART. 28. The provisions of the preceding article shall not apply to penalties imposed as accessory to others, in which case the accessory penalties shall have the duration respectively fixed by law.

ART. 29. When the guilty person is imprisoned, the duration of the temporary penalties shall commence from the day on which the condemnatory sentence was made final.

When the guilty person may not be imprisoned, the duration of penalties consisting in deprivation of liberty shall commence as soon as said person is at the disposal of the judicial authorities, in order to serve his sentence.

The duration of the penalties of expulsion, *confinamiento*, and banishment shall commence only from the day on which the guilty person commenced to serve his sentence.

If the guilty person should enter an appeal and it is refused, he shall not be allowed the time that has elapsed between the sentence appealed from and the one rejecting the appeal.

SECTION II.—*Effects of penalties according to their respective nature.*

ART. 30. The penalty of perpetual absolute disqualification shall produce the following effects:

1. The deprivation of the person punished of all honors which he may be enjoying, and of all public employments and offices which he may be holding, even though the latter come from popular election.

2. The deprivation of the rights to vote and to be elected to public offices of popular election.

3. The disqualification to acquire the honors, offices, employments and rights mentioned.

4. The loss of all right to retirement with pay, suspension with part pay, or any other pension for offices he may have previously filled, without prejudice to the pension for support the Government may grant him as a reward for distinguished services.

Under this provision are not included rights already acquired at the time of the condemnation by the widow or children of the person punished.

ART. 31. The penalty of temporary absolute disqualification shall produce the following effects:

1. The deprivation of the person sentenced of all honors he may be enjoying, and of all public employment and offices which he may be holding, although the latter be filled by popular election.

2. The deprivation of the right of voting and being elected to public office by popular election during the term of the sentence.

3. The disqualification of acquiring the honors, employments, offices, and rights mentioned in No. 1, likewise during the term of the sentence.

ART. 32. Perpetual special disqualification from public office shall produce the following effects:

1. The loss of the office or employment which it affects, and of the honors attached thereto.

2. Disqualification to acquire other similar ones.

ART. 33. Perpetual special disqualification from the right of suffrage shall perpetually deprive the person punished of the right to vote and being elected to the elective public office in question.

ART. 34. Temporary special disqualification for a public office shall produce the following effects:

1. Loss of the office or employment which it affects, as well as the honors attached thereto.

2. Disqualification to acquire other similar offices or employments during the term of the sentence.

ART. 35. Temporary special disqualification from the right of suffrage shall deprive the person punished of the right of voting and being elected during the term of sentence for the popular elective office affected by the sentence.

ART. 36. Suspension from a public office shall disqualify the person punished from exercising the same, and from obtaining other similar offices during the term of the sentence.

ART. 37. Suspension from the right of suffrage shall likewise disqualify the person for the exercise thereof during the term of the sentence.

ART. 38. When an ecclesiastical person is sentenced to the penalty of disqualification in any of its classes, or to that of suspension, the effects thereof shall be limited respectively to the offices, rights, or honors which he does not derive from the church, and to the salary to which he is entitled by reason of his ecclesiastical office.

ART. 39. Perpetual special disqualification for a profession or trade shall perpetually deprive the person punished of the privilege to exercise the same.

Temporary disqualification therefor shall deprive him in the same manner during the term of the sentence.

ART. 40. Suspension from the exercise of a profession or trade shall produce the same effect as temporary disqualification during the term of the sentence.

ART. 41. Civil interdiction shall deprive the person punished as long as he suffers it, of the rights of paternal authority, guardianship of person or property, participation in the family council, marital authority, the administration of property, and the right to dispose of his own property by acts *inter vivos*. Those cases are excepted in which the law explicitly limits its effects.

ART. 42. Subjection to the surveillance of the authorities imposes the following obligations on the persons punished:

1. That of fixing his domicile and giving notice thereof to the authority immediately in charge of his surveillance, not being allowed to change it without the knowledge and permission of said authority in writing.

2. To observe the rules of inspection prescribed.

3. To adopt some trade, art, industry, or profession, should he not have known means of subsistence of his own.

Whenever a person punished is placed under the surveillance of the authorities notice thereof shall be given to the Government and to the Governor-General.

ART. 43. The penalty of caution shall oblige the person punished to secure a sufficient bondsman, who shall guarantee that said person will not commit the injury which it is endeavored to prevent, otherwise binding himself to pay the sum which the court may have fixed in the sentence.

The court shall fix the term of the bond in its discretion.

If the person punished should not furnish bond, he shall incur the penalty of banishment.

ART. 44. Persons sentenced to the penalties of disqualification for public offices, for the right of suffrage, or for a profession or trade, perpetually or temporarily, may be rehabilitated in the form prescribed by law.

ART. 45. A pardon shall not produce rehabilitation for the discharge of public office and for the exercise of the right of suffrage, unless said rehabilitation be specially granted in the pardon.

ART. 46. Costs shall include fees and indemnifications incurred in judicial proceedings, whether consisting of fixed or unalterable amounts, by reason of being previously fixed by laws, regulations, or royal orders, or not fixed by any schedule.

ART. 47. The amount of fees and indemnifications not previously fixed in the terms prescribed in the preceding article shall be fixed by the court in the manner established by the law of criminal procedure.

ART. 48. In case the property of the person punished should not be sufficient to cover all the pecuniary liabilities, they shall be satisfied in the following order:

1. Reparation of the injury caused and indemnification of damages.
2. Indemnification to the State for the amount of stamped paper and other expenses which may have been incurred on his account in the cause.
3. The costs of the private accuser.
4. Other costs of procedure, including those of the defense of the person prosecuted, without preference among the persons interested.
5. The fine.

Should the crime have been of those which can be prosecuted only at the instance of a party, the costs of the private accuser shall be satisfied in preference to the indemnification to the State.

ART. 49. If the person sentenced should not have property to satisfy the pecuniary liabilities included in Nos. 1, 3, and 5 of the preceding article, he shall be subject to a subsidiary personal liability at the rate of one day for every 12½ pesetas, according to the following rules:

1. If the principal penalty imposed is to be undergone by the criminal confined in a penal institution, he shall continue therein, although said detention can not exceed one-third of the term of the sentence, and in no case can it exceed one year.
2. If the principal penalty imposed is not to be undergone by the criminal in a penal institution and its duration is fixed, he shall continue subject, for the time mentioned in the preceding article, to the same deprivations of which said penalty must consist.
3. If the principal penalty imposed should be a censure, fine, or caution, the insolvent guilty person shall be confined in the district jail

for a term which can not exceed six months in any case, should he have been prosecuted for a crime, or fifteen days should he have been prosecuted for a misdemeanor.

ART. 50. The subsidiary personal liability on account of insolvency shall not be imposed upon the person condemned to a penalty higher in the general scale than that of *presidio correccional.*

ART. 51. The personal liability which the criminal may have incurred by reason of insolvency shall not exempt him from the reparation of the injury caused and indemnification of damages if his pecuniary circumstances should improve, but it shall exempt him from the other pecuniary liabilities included in numbers 3 and 5 of article 48.

SECTION III.—*Punishments which include other accessory penalties.*

ART. 52. The death penalty, when it is not carried out because the criminal has been pardoned, shall include perpetual absolute disqualification and subjection of the criminal to the surveillance of the authorities for the term of his life, unless said accessory penalty has been specially remitted in the pardon.

ART. 53. The penalty of *cadena perpetua* shall include the following accessory penalties:

1. Degradation, in case the principal penalty of *cadena perpetua* is imposed upon a public official by reason of abuse committed in the exercise of his office, if said office is one of those which confer a permanent character.
2. Civil interdiction.
3. Subjection to the surveillance of the authorities during the life of the person punished.

Even though the latter should obtain pardon from the principal penalty, he shall suffer that of perpetual absolute disqualification and subjection to the surveillance of the authorities during his life, unless this accessory penalty has been remitted in the pardon of the principal one.

ART. 54. The penalties of *reclusión perpetua*, *relegación perpetua*, and perpetual expulsion shall include that of perpetual absolute disqualification and subjection to the surveillance of the authorities during the life of the person punished, said accessory penalties being suffered by the latter even though he may have been pardoned as to the principal one, if they have not been remitted in the pardon.

ART. 55. The penalty of *cadena temporal* shall include the following accessory penalties:

1. Civil interdiction of the person punished during the term of the sentence.
2. Perpetual absolute disqualification.

3. Subjection to the surveillance of the authorities during the life of the person punished.

ART. 56. The penalty of *presidio mayor* shall include those of absolute temporary disqualification and subjection to the surveillance of the authorities for a term equal to that of the principal punishment, which shall begin to be counted from the date of the fulfillment of the same.

ART. 57. The penalty of *presidio correccional* shall include suspension from any public office, profession, trade, or from the right of suffrage.

ART. 58. The penalties of *reclusión temporal*, *relegación temporal*, and temporary expulsion shall include temporary absolute disqualification during their term and subjection to the surveillance of the authorities during the term of the sentence and as long again, which shall be counted from the time the sentence is fulfilled.

ART. 59. The penalty of *confinamiento* shall include that of temporary absolute disqualification and subjection to the surveillance of the authorities during the term of the sentence and as much again, which shall begin to be counted from the completion of the former.

ART. 60. The penalties of *prisión mayor* and *prisión correccional* and *arresto mayor* shall include suspension from any office and from the right of suffrage during the term of the sentence.

ART. 61. Every penalty which may be imposed for a crime shall include the forfeiture of the proceeds of the crime and of the instruments used in its execution.

Both shall be confiscated unless they belong to a third party who is not responsible for the crime.

Things thus confiscated shall be sold if they are of licit commerce, the proceeds thereof being applied to cover the liabilities of the person punished, or shall be rendered useless if they are illicit.

CHAPTER IV.

THE APPLICATION OF PENALTIES.

SECTION I.—*Rules for the application of penalties to principals in a consummated crime, frustrated crime, and attempt, and to accomplices and accessories thereto.*

ART. 62. Upon the principals in a crime or misdemeanor the penalty shall be imposed which may have been prescribed by the law for said crime or misdemeanor.

Whenever the law shall establish the penalty for a crime in general terms it shall be understood as being imposed upon the consummated crime.

ART. 63. In cases in which the crime committed is different from that which the culprit had intended to commit the following rules shall be observed:

1. If the penalty prescribed for the accomplished crime should be higher than that corresponding to the crime which the culprit had intended to commit, the penalty corresponding to the second shall be imposed on the culprit in its maximum degree.

2. If the penalty prescribed for the accomplished crime should be lower than that prescribed for the one which the culprit had intended to commit, the penalty corresponding to the former shall be imposed on him, also in its maximum degree.

3. The provisions of the preceding rule shall not be applicable if the acts committed by the culprit should constitute, besides, an attempt to commit another crime or another frustrated crime, if the law should punish these acts with a higher penalty, in which case that corresponding to the attempt or frustrated crime shall be imposed in its maximum degree.

ART. 64. Upon the principals in a frustrated crime shall be imposed the penalty next lower in degree than that prescribed by the law for the consummated crime.

The same rule shall be observed regarding the principals in frustrated misdemeanors.

ART. 65. Upon the principals in an attempt to commit a crime shall be imposed a penalty lower by two degrees than that prescribed by law for the consummated crime.

ART. 66. Upon the accomplices in a consummated crime shall be imposed the penalty next lower in degree than that prescribed by law for the consummated crime.

ART. 67. Upon the accessories in a consummated crime shall be imposed the penalty lower by two degrees than that prescribed by law for the consummated crime.

ART. 68. Upon the accomplices in a frustrated crime shall be imposed the penalty next lower in degree than that prescribed by law for the frustrated crime.

ART. 69. Upon the accessories in a frustrated crime shall be imposed the penalty lower by two degrees than that prescribed by law for the frustrated crime.

ART. 70. Upon the accomplices in an attempt to commit a crime shall be imposed the penalty next lower in degree than that prescribed by law for the attempt to commit the crime.

ART. 71. Upon the accessories in an attempt to commit a crime shall be imposed the penalty lower by two degrees than that prescribed by law for the attempt to commit the crime.

ART. 72. There are excepted from the provisions of articles 67, 69, and 71 the accomplices mentioned in No. 3 of article 14, in whose

cases the first circumstance mentioned in said number is attendant, upon whom the penalty of perpetual special disqualification shall be imposed if the delinquent harbored should have been guilty of a grave crime, and that of temporary special disqualification if he should have been guilty of a less grave crime.

ART. 73. The general provisions contained in articles 64 to 72, inclusive, shall not be applicable to cases in which the frustrated crime, the attempt, the complicity, or the participation after the fact (*encubrimiento*) are specially penalized by law.

ART. 74. In order to graduate the penalties which, in accordance with the provisions of articles 64 to 72, inclusive, should be imposed on the principals in a frustrated crime and in an attempt to commit crime, and upon the accomplices and accessories, the following rules shall be observed:

1. When the penalty prescribed for the crime is a single and indivisible one, the penalty next lower shall be that following in number the indivisible penalty in the respective graduated scale.

2. When the penalty prescribed for the crime is composed of two indivisible penalties, or of one or more divisible penalties imposed to their full limit, the penalty next lower shall be that which follows in number the lesser of the penalties imposed in the respective graduated scale.

3. When the penalty prescribed for the crime is composed of one or two indivisible penalties and the maximum degree of another divisible penalty, the penalty next lower shall consist of the medium and minimum degrees of the said divisible penalty and the maximum degree of that following in number in the respective graduated scale.

4. When the penalty prescribed for the crime is composed of various degrees, corresponding to several divisible penalties, that next lower shall consist of the degree that follows the minimum of those constituting the penalty imposed, and of the two others next immediate, which will be taken from the penalty imposed, if it should have any, and otherwise from the penalty following in number in the respective graduated scale.

5. When the law prescribes the penalty for the crime in a form not specially mentioned in the four preceding rules, the courts, proceding by analogy, shall impose the penalties corresponding to principals, accomplices, and accessories in a frustrated crime and in an attempt to commit a crime.

ART. 75. When the penalty prescribed by law for a crime should have been included in two scales, the graduation prescribed in the preceding article shall be made according to the scale which includes the penalties by which are punished the greater part of the crimes referred to in the section, chapter, or title in which the crime is contained.

Demonstrative table of the provisions of this chapter.

Penalty prescribed for the crime.	Penalty pertaining to the principal in a frustrated crime and the accomplice in a consummated crime.	Penalty pertaining to the principal in an attempt at consummated crime, accessory in the same crime, and accomplices in a frustrated crime.	Penalty pertaining to an accessory in a frustrated crime and accomplices in attempt.	Penalty pertaining to an accessory in a attempt to commit a crime.
First case, death	*Cadena perpetua*..	*Cadena temporal*....	*Presidio mayor*....	*Presidio correccional.*
Second case, *cadena perpetua* to death.	*Cadena temporal*..	*Presidio mayor*.....	*Presidio correccional.*	*Arresto mayor.*
Third case, *cadena temporal* in its maximum degree to death.	*Presidio mayor* in its maximum degree to *cadena temporal* in its medium degree.	*Presidio correccional* in its maximum degree to *presidio mayor* in its medium degree.	*Arresto mayor* in its maximum degree to *presidio correccional* in its medium degree.	Fine and *arresto mayor* in its minimum and medium degrees.
Fourth case, *presidio mayor* in its maximum degree to *cadena temporal* in its medium degree.	*Presidio correccional* in its maximum degree to *presidio mayor* in its medium degree	*Arresto mayor* in its maximum degree to *presidio correccional* in its medium degree.	Fine and *arresto mayor* in its minimum and medium degrees.	Fine.

SECTION II.—*Rules for the application of penalties with regard to extenuating and aggravating circumstances.*

ART. 76. Extenuating or aggravating circumstances shall be taken into consideration in reducing or increasing the penalty in the cases and in accordance with the rules prescribed in this section.

ART. 77. Aggravating circumstances which in themselves constitute a crime specially punished by law, or which the law has mentioned in describing and penalizing it, shall not have the effect of increasing a penalty.

Nor shall this effect be produced by aggravating circumstances that are inherent in such manner to the crime that without the attendance thereof the crime could not be committed.

ART. 78. The aggravating or extenuating circumstances that consist in the moral condition of the delinquent in his private relations with the injured party, or in any other personal cause, shall serve to aggravate or diminish the liability of only the principals, accomplices, or accessories who may be affected thereby.

The circumstances which consist in the material execution of the deed or in the means employed to accomplish it shall serve to aggravate or diminish the liability of those persons only who were acquainted with them at the moment of the commission of the crime or of their cooperation therein.

ART. 79. In cases in which the law prescribes only one indivisible penalty the courts shall apply it without consideration of the aggravating or extenuating circumstances attending the deed.

In cases in which the law prescribes a punishment composed of two indivisible penalties the following rules shall be observed in the application thereof:

1. If an aggravating circumstance alone should have attended the deed, the higher penalty shall be applied.

2. If neither extenuating nor aggravating circumstances should have attended the deed the lesser penalty shall be applied.

3. If an extenuating circumstance and no aggravating one should have attended the deed the lesser penalty shall be applied.

4. If both aggravating and extenuating circumstances should have attended the deed the courts shall make reasonable allowance therefor, with regard to their number or importance, in applying the penalty in accordance with the foregoing rules, according to the result produced by such allowance.

ART. 80. In cases in which the penalty prescribed by law contains three degrees, whether it be a singe divisible penalty or composed of three different penalties, each of which forms a degree, in accordance with the provisions of articles 95 and 96, the courts shall observe for the application of the penalty the following rules, according as to whether there are or not extenuating or aggravating circumstances:

1. If neither aggravating nor extenuating circumstances should have attended the deed they shall impose the penalty prescribed by law in its medium degree.

2. If only an extenuating circumstance should have attended the deed they shall impose the penalty in its minimum degree.

3. If only an aggravating circumstance should have attended the deed they shall impose the penalty in its maximum degree.

4. If both extenuating and aggravating circumstances should have attended the deed they shall make a reasonable allowance in the designation of the penalty by counterbalancing the weight of the one and the other.

5. If two or more very marked extenuating circumstances and no aggravating circumstance should have attended the act the court shall impose the penalty next lower to that prescribed by the law, in the degree that it considers proper, according to the number and importance of such circumstances.

6. Whatever may be the number and importance of the aggravating circumstances, the courts shall not impose a higher penalty than that prescribed by law in its maximum degree.

7. Within the limits of each degree the courts shall determine the extent of the penalty, in view of the number and importance of the aggravating and extenuating circumstances and the greater or lesser extent of the evil produced by the crime.

ART. 81. In those cases in which the penalty prescribed by law is not composed of three degrees the courts shall apply the rules contained in the foregoing article, dividing into three equal periods the term embraced in the penalty imposed, forming one degree of each of the three periods.

ART. 82. In the application of fines the courts may go to the full limit within which the law permits their imposition, taking into consideration, in order to determine their amount in each case, not only

the aggravating and extenuating circumstances of the act, but chiefly the wealth or means of the culprit.

ART. 83. If all the conditions necessary to exempt from liability in the case of No. 9 of article 8 should not be attendant, the provisions of article 590 shall be observed.

ART. 84. Upon a person under 15 but over 9 years of age, who is not exempt from liability by reason of the court having declared that he acted with the exercise of judgment, a discretionary penalty shall be imposed, but always lower by two degrees at least than that prescribed by law for the crime which he committed.

Upon a person over 15 and under 18 years of age the penalty shall always be imposed in the proper degree which is next lower than that prescribed by law.

ART. 85. A penalty lower by one or two degrees than that prescribed by law shall be imposed if the deed were not wholly excusable by reason of the lack of some of the conditions required to exempt from criminal liability in the respective cases mentioned in article 8, provided that the greater number thereof be attendant, the penalty being imposed in the degree the courts may consider proper, taking into consideration the number and importance of the requisites absent or present.

This provision is understood without prejudice to that contained in article 83.

SECTION III.—*Provisions common to the two preceding sections.*

ART. 86. Upon a person guilty of two or more crimes or misdemeanors shall be imposed all the penalties corresponding to the various violations of the law, to be simultaneously served if possible, in view of the nature and effects of such penalties.

ART. 87. If all or any of the penalties corresponding to the various violations of the law could not be simultaneously served by the person condemned, the following rules shall be observed with regard thereto:

1. In the imposition of the penalties, the order of their respective severity shall be observed for their successive fulfillment, so far as possible, by the person condemned by reason of having obtained pardon for, or served out, those first imposed.

For the observance of the provisions of the preceding paragraph, the respective severity of the penalties shall be determined in accordance with the following scale: Death, *cadena perpetua*, *cadena temporal*, *reclusión perpetua*, *reclusión temporal*, *presidio mayor*, *prisión mayor*, *presidio correccional*, *prisión correccional*, *arresto mayor*, *relegación perpetua*, *relegación temporal*, perpetual expulsion, temporary expulsion, *confinamiento*, banishment.

2. Notwithstanding the provisions contained in the preceding rule, the maximum duration of the sentence of the culprit shall not exceed three times the time which the most severe of the penalties that he

may have incurred should have imposed on him; and there shall not be imposed on him other proper penalties when those already imposed shall have covered the maximum of the aforementioned term.

In no case shall such maximum term exceed forty years.

For the application of the provisions of this rule, the duration of a perpetual penalty shall be reckoned at thirty years.

ART. 88. The provisions of the foregoing article are not applicable to a case in which a single act should constitute two or more crimes, or if one of them should be a necessary means for committing the others.

In such cases, only the penalty corresponding to the more serious crime shall be imposed in its maximum degree.

ART. 89. Whenever the courts should impose a penalty that includes other punishments by provision of law, according to the prescriptions of Section III of the preceding chapter, they shall also specifically sentence the culprit to the said penalties.

ART. 90. In cases for which the law prescribes a penalty lower or higher by one or two degrees than another given penalty, the rules prescribed in articles 74 and 75 shall be observed in graduating it.

The lower or higher penalty shall be taken from the graduated scale in which the given penalty may be included.

If a penalty higher than that of *arresto mayor* is to be applied, it shall be taken from the scale including the penalties prescribed for the graver crimes of the same character as that punished with *arresto mayor*.

The courts shall bear in mind, in making application of a lower or higher penalty, the following graduated scales:

Scale No. 1.—(1) Death, (2) *cadena perpetua*, (3) *cadena temporal*, (4) *presidio mayor*, (5) *presidio correccional*, (6) *arresto*.

Scale No. 2.—(1) Death, (2) *reclusión perpetua*, (3) *reclusión temporal*, (4) *prisión mayor*, (5) *prisión correccional*, (6) *arresto*.

Scale No. 3.—(1) *Relegación perpetua*, (2) *relegación temporal*, (3) *confinamiento*, (4) banishment, (5) public censure, (6) caution.

Scale No. 4.—(1) Perpetual expulsion, (2) temporary expulsion, (3) *confinamiento*, (4) banishment, (5) public censure, (6) caution.

Scale No. 5.—(1) Perpetual absolute disqualification, (2) temporary absolute disqualification, (3) suspension from public office, right of suffrage, active and passive, profession or trade.

Scale No. 6.—(1) Perpetual special disqualification, (2) temporary special disqualification, or (3) suspension from public office, right of suffrage, active and passive, profession and trade.

ART. 91. The fine shall be considered as the last penalty in every one of the preceding graduated scales.

If it should be imposed in this character, the subsidiary liability corresponding thereto by reason of the insolvency of the culprit, established in article 49, can not exceed the duration of the term pertaining to the penalty immediately higher in the respective scale.

ART. 92. In cases to which the law prescribes a penalty higher than another determined penalty, without specifically designating what it may be, if there should be no higher penalty in the respective scale, or if the former should be that of death, the following shall be considered as penalties immediately higher:

1. If the penalty determined were that of *cadena* or *reclusión perpetua*, or perpetual, absolute, or special disqualification, the same penalties, with the proviso that the condemned person shall not enjoy the benefit established in article 27 of this code until the completion of forty years.

2. If it should be that of *relegación perpetua*, the penalty of *reclusión perpetua*.

3. If it should be that of perpetual expulsion, the next higher penalty shall be that of *relegación perpetua*.

ART. 93. Whenever it may be necessary to increase or reduce the penalty of fine by one or more degrees, it shall be increased or reduced respectively for each degree by the fourth part of the maximum amount prescribed by law, and in order to reduce it the reverse operation shall take place.

The same rules shall be observed with regard to fines that do not consist of a fixed amount, but of a proportional amount.

ART. 94. When women shall commit crimes which this code punishes with the penalties of *cadena perpetua* or *cadena temporal*, or with those of *presidio mayor* or *presidio correccional*, there shall be respectively imposed upon them those of *reclusión perpetua* or *reclusión temporal*, *prisión mayor* or *prisión correccional*.

ART. 95. In the divisible penalties the legal term of duration is understood as distributed into three parts, forming the three degrees; that is, the minimum, medium, and maximum, in the manner shown in the following:

Table showing the duration of divisible penalties and the time which each one of their degrees embraces.

Penalties.	Time included by the penalty in its entirety.	Time included in its minimum degree.	Time included in its medium degree.	Time included in its maximum degree.
Temporary *cadena*, *reclusión*, *relegación*, expulsion.	From 12 years and 1 day to 20 years.	From 12 years and 1 day to 14 years and 8 months.	From 14 years, 8 months, and 1 day, to 17 years and 4 months.	From 17 years, 4 months, and 1 day to 20 years.
Presidio and *prisión mayor*, *confinamiento*, temporary, absolute, or special disqualification.	From 6 years and 1 day to 12 years.	From 6 years and 1 day to 8 years.	From 8 years and 1 day to 10 years.	From 10 years and 1 day to 12 years.
Presidio and *prisión correccional*, and banishment.	From 6 months and 1 day to 6 years.	From 6 months and 1 day to 2 years and 4 months.	From 2 years, 4 months, and 1 day, to 4 years and 2 months.	From 4 years, 2 months, and 1 day to 6 years.
Suspension.....	From 1 month and 1 day to 6 years.	From 1 month and 1 day to 2 years.	From 2 years and 1 day to 4 years.	From 4 years and 1 day to 6 years.
Arresto mayor.....	From 1 month and 1 day to 6 months.	From 1 to 2 months.	From 2 months and 1 day to 4 months.	From 4 months and 1 day to 6 months.
Arresto menor.....	From 1 to 30 days.	From 1 to 10 days.	From 11 to 20 days..	From 21 to 30 days.

ART. 96. In cases in which the law prescribes a penalty composed of three distinct penalties, each one shall form a degree; the lightest of them the minimum, the next the medium, and the most severe the maximum degree.

Whenever the penalty prescribed does not have one of the forms specially provided for in this book, the degrees shall be distributed by applying by analogy the rules fixed.

CHAPTER V.

EXECUTION OF PENALTIES AND THEIR FULFILLMENT.

SECTION I.—*General provisions.*

ART. 97. No penalty shall be executed unless by virtue of final sentence.

ART. 98. Nor shall any penalty be executed in any other form than that prescribed by law, or with any other circumstances or incidents than those mentioned in its text.

Besides the provisions of the law, the prescriptions of the special regulations for the management of the institutions in which the penalties are to be undergone shall also be observed with regard to the character, time, and other circumstances of the labors, the relations of the convicts among themselves and with other persons, the relief they may receive, and their diet.

The regulations shall provide for the separation of the sexes in different institutions, or at least in different departments.

ART. 99. If a delinquent should become insane or an imbecile after final sentence should have been pronounced upon him, the execution thereof shall be suspended only with regard to the personal penalty, the provisions of the second and third paragraphs of No. 1 of article 8 being observed in the respective cases.

At any time when the delinquent shall recover his reason he shall complete his sentence, unless the penalty should have prescribed in accordance with the provisions of this code.

The proper provisions of this section shall also be observed if the insanity or imbecility should occur while the convict is undergoing his sentence.

SECTION II.—*Principal penalties.*

ART. 100. The penalty of death shall be executed by the garrote upon a scaffold.

The execution shall take place twenty-four hours after the notification of sentence, by day, in public, and in the place generally set aside for the purpose, or in the one the court may determine, when there are especial reasons therefor.

This penalty shall not be carried out upon religious or national holidays.

ART. 101. Until there shall be a place provided in the jails for the public execution of the death penalty, the person sentenced thereto, who shall be dressed in a black cassock, shall be taken to the scaffold in the carriage provided for that purpose, or in a cart in the absence of the former.

ART. 102. The corpse of the person executed shall be exposed on the scaffold for four hours, after which it shall be buried; being delivered to his relatives or friends for this purpose if they should solicit it. The funeral must be held without display.

ART. 103. The penalty of death shall not be inflicted upon a woman while she is pregnant; nor shall she be notified of the sentence that has been imposed upon her until forty days after her delivery.

ART. 104. The penalties of *cadena perpetua* and *cadena temporal* shall be served in any of the places provided for such purpose, to the exclusion of the islands of Cuba and Porto Rico.

ART. 105. Those sentenced to *cadena temporal* or *cadena perpetua* shall labor for the benefit of the State; they shall always carry a chain at the ankle, hanging from the waist; they shall be employed in hard and painful labor and shall receive no assistance whatsoever from without the institutions.

Nevertheless, if the court, taking into consideration the age, health, condition, or any other personal circumstance of the delinquent, should believe that he should undergo his penalty in labors within the institution, it shall so declare in the sentence.

ART. 106. Those sentenced to *cadena temporal* or *cadena perpetua* can not be assigned to private works or to public works that are executed by business enterprise or by contracts with the Government.

ART. 107. A person condemned to *cadena temporal* or *cadena perpetua* who should have attained the age of 60 years before the passing of sentence, shall serve his sentence at a prison for serving the penalty of *presidio mayor*.

If he should attain said age while undergoing his sentence, he shall be transferred to the latter penal institution, in which he shall remain for the time prescribed in the sentence.

ART. 108. *Reclusión perpetua* and *reclusión temporal* shall be served in institutions within or without the islands of Cuba and Porto Rico.

Those condemned thereto shall be subject to forced labor for the benefit of the State within the precincts of the institution.

ART. 109. The penalties of *relegación perpetua* and *relegación temporal* shall be served without the islands of Cuba and Porto Rico, at the places provided therefor by the Government.

Those undergoing this sentence may devote themselves freely, under the surveillance of the authorities, to their profession or trade within the radius to which the limits of the penal institution extend.

ART. 110. A person sentenced to expulsion shall be expelled from Spanish territory forever, if the sentence were perpetual, and for the term of the sentence if temporary.

ART. 111. The penalties of *presidio* shall be served in the institutions provided therefor, which are situated, those for *presidio mayor* within the islands of Cuba and Porto Rico and adjacent islands, and for *presidio correccional* within the islands of Cuba and Porto Rico respectively.

Those sentenced to *presidio* shall be subject to forced labor within the institution in which they are serving their sentence.

ART. 112. The product of the labor of those condemned to *presidio* shall be devoted:

1. To meet the civil liabilities of the prisoners arising from their crimes.

2. To indemnify the institution for the expenses they may occasion.

3. To provide them with some advantage or savings during their detention, should they deserve it, and to create a reserve fund, to be delivered to them upon their discharge from the *presidio*, or to their heirs should they die there.

ART. 113.[1] The penalties of *prisión* shall be served at the institutions provided for this purpose, which will be situated, those for *prisión mayor* within the islands of Cuba and Porto Rico and adjacent islands, and those for *prisión correccional* within the territorial jurisdiction of the audiencia (court) which imposed the sentence.

Those condemned to *prisión* shall not go outside of the institution in which they are undergoing their punishment, during the term of their sentence, and shall engage, for their own benefit, in such works as they may choose, provided they be compatible with the discipline established by the regulations. They shall be, nevertheless, subject to the labors of the institution until they shall have met their liabilities mentioned in Nos. 1 and 2 of the preceding article. Those having no trade or known and honest means of livelihood shall be also subject thereto.

ART. 114. Those sentenced to *confinamiento* shall be taken to a town or district situated in the adjacent islands, where they shall remain at complete liberty, under the surveillance of the authorities.

The courts, in designating the place where this penalty is to be served, shall take into consideration the trade, profession, or means of livelihood of the condemned person, in order that he may earn his living.

Those who, by reason of their age, health, and good conduct, should be fit for military service, may be, with their consent, assigned thereto by the Government.

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[1] See General Order No. 152, Headquarters Department of Porto Rico, September 29, 1899, p. 147.

Those sentenced to banishment shall be precluded from entering the place or places designated in the sentence or within the radius therein designated, which shall include a distance of 25 kilometers at least and 250 kilometers at most from the place designated.

ART. 115. The person sentenced to public censure shall receive it in person at a sitting of the court, with open doors.

The person sentenced to private censure shall receive it in person at a sitting of the court and in the presence of the secretary, behind closed doors.

ART. 116. *Arresto mayor* shall be served in the public building provided for the purpose in the seats of judicial districts.

The provisions contained in the second paragraph of article 113 are applicable in their respective cases to those condemned to this penalty.

ART. 117. *Arresto menor* shall be served at the town halls or other public buildings, or in the house of the culprit himself, if the sentence shall so declare, without his being allowed to leave the same during the entire period of the sentence.

Apprentices, serfs (*colonos*), and slaves shall suffer the penalty at the house of their master, patron, or owner on the same terms as those expressed in the preceding paragraph.

SECTION III.—*Accessory penalties.*

ART. 118. A person sentenced to degradation shall, at a public sitting of the court, be stripped by a bailiff of his uniform, robes of office, insignia, and decorations.

The stripping off shall be carried out at the command of the presiding judge, who shall order it, in the following manner: "Strip (*the name of the person sentenced*) of his insignia and decorations, to wear which the law declares him unworthy. The law degrades him because he has degraded himself."

TITLE IV.

CIVIL LIABILITY.

ART. 119. The civil liability established in Chapter II, Title II, of this book includes: (1) Restitution, (2) reparation for the damage caused, (3) indemnification for losses, (4) enforced manumission.

ART. 120. The restitution of the thing itself must be made, if possible, with payment for deteriorations or diminutions of value, to be appraised by the court.

Restitution shall be made, even though the thing may be in the possession of a third person who had acquired it in a legal manner, reserving, however, his action against the proper person.

This provision is not applicable to a case in which the third person has acquired the thing in the manner and with the requisites established by law to make it unrecoverable.

ART. 121. The reparation shall be made by the appraisal of the amount of damage by the court, taking into consideration the value of the thing whenever possible, and the value as a keepsake to the party aggrieved.

ART. 122. Indemnification for losses shall include not only those which may have been caused the aggrieved party, but also those that may have been inflicted upon his family or upon a third person by reason of the crime.

The courts shall regulate the amount of such indemnification upon the same terms as prescribed for the reparation of damage in the foregoing article.

ART. 123. The obligation to make restitution, to repair the damages or indemnify the losses, is transmitted to the heirs of the person liable.

The action to demand restitution, reparation, or indemnification is also transmitted to the heirs of the person injured.

ART. 124. If there are two or more persons civilly liable for a crime or misdemeanor, the courts shall determine the share for which each shall be liable.

ART. 125. Notwithstanding the provision contained in the preceding article, the principals, accomplices, and accessories, each within their respective class, shall be held jointly liable among themselves for their shares, and subsidiarily for those of the other persons liable.

The subsidiary liability shall be enforced, first against the property of the principals, next against that of the accomplices, and finally against that of the accessories.

In cases in which the joint liability has been enforced as well as the subsidiary liability, the right of action is reserved by the person who has paid, against the others for the shares due from each.

ART. 126. Whosoever may have gratuitously shared in the proceeds of a crime or misdemeanor is obliged to make indemnification in so far as he may have participated therein.

TITLE V.

PENALTIES INCURRED BY THOSE WHO VIOLATE THEIR SENTENCE, AND BY THOSE WHO COMMIT A NEW CRIME WHILE SERVING SENTENCE.

CHAPTER I.

PENALTIES INCURRED BY THOSE WHO VIOLATE THEIR SENTENCE.

ART. 127. Persons serving a sentence who should violate it, shall suffer an aggravation of their punishments, subject to the provisions of the following rules:

1. Those sentenced to *cadena* or *reclusión* shall complete their respective terms, and be made to suffer, during a space of time not exceeding three years, the greatest deprivations authorized by the regulations, and shall be assigned to the most painful tasks.

If the penalty should be perpetual, they shall not enjoy the benefit granted by article 27 until after having served the aggravation of penalty imposed upon them.

If the penalty should be temporary and the aggravation of penalty could not be served within the term fixed in their original sentence, they shall continue subject thereto until the period of the aggravation has expired.

2. Those sentenced to *relegación* or expulsion shall be condemned to *prisión correccional* for a period not to exceed three years, which must be served, in case of those sentenced to *relegación*, at the place of *relegación* if possible, and, otherwise, at the nearest possible place thereto; and those sentenced to expulsion, at one of the penal institutions of the Kingdom.

When these sentences have been served, they shall serve out their original sentences.

3. Those sentenced to *presidio*, *prisión*, or *arresto* shall suffer an increase of the said penalties, not to exceed the one-sixth part of the time still lacking for the completion of their original sentence.

4. Those sentenced to *confinamiento* shall be condemned to *prisión correccional* not to exceed two years; and after this penalty is served, they shall serve out that of *confinamiento*.

5. Persons banished shall be condemned to *arresto mayor*, after serving which they shall serve out their term of banishment.

6. Those disqualified from office, from the right of suffrage, profession, or trade, who shall obtain or exercise the same shall be condemned to *arresto mayor* and a fine of from 250 to 2,500 pesetas, if their act should not constitute a special crime.

7. Those suspended from office, the right of suffrage, profession, or trade, who shall nevertheless practice it, shall suffer an increase for a period equal to that of the original sentence and a fine of from 150 to 1,500 pesetas.

8. Those placed under the surveillance of the authorities who fail to observe the rules they ought to observe shall be condemned to *arresto mayor*, having completed which term they shall continue subject to the surveillance of the authorities until the expiration of such penalty.

ART. 128. The aggravations prescribed in the preceding article with regard to those deprived of their liberty shall not be applied to those who escape from penal institutions or the stations thereof without violence, intimidation, or resistance, without breaking doors or windows, walls, roofs, or floors, without the use of picklocks or false keys, without scaling walls, and without an understanding with other convicts or attendants of the institution.

The violation of a sentence without one or more of these attendant circumstances shall be punished with one-fourth of the penalty respectively prescribed in article 127.

CHAPTER II.

PENALTIES INCURRED BY THOSE WHO COMMIT ANOTHER OFFENSE AFTER HAVING BEEN CONDEMNED BY FINAL SENTENCE, EITHER BEFORE OR WHILE SERVING IT.

ART. 129. Those who should commit any crime or misdemeanor after having been condemned by a final sentence before beginning to serve it, or during the time of their punishment, shall be punished in accordance with the following rules:

1. The maximum degree of the penalty prescribed by law for the new crime or misdemeanor shall be imposed upon them.

2. The courts shall observe, in so far as applicable to this case, the provisions contained in article 86 and rule 1 of article 87 of this Code.

3. The prisoners mentioned in this article shall be pardoned at the age of 70 years if they should already have served out their original sentences, or when they shall have completed their terms after attaining said age, unless they should not be worthy of this act of grace, on account of their bad conduct or any other circumstances.

TITLE VI.

EXTINCTION OF PENAL LIABILITY.

ART. 130. Penal liability is extinguished—

1. By the death of the culprit always, in so far as personal penalties are concerned; and with regard to pecuniary liabilities, only when no final sentence had been imposed at the time of his death.

2. By the completion of his term.

3. By amnesty which completely extinguishes the penalty and all its effects.

4. By pardon.

A person freed by a pardon can not reside in the place of residence of the offended party without his consent during the time that the sentence would have lasted had it not been for the pardon, said pardon granted being otherwise void.

5. By condonation granted by the offended party, should the penalty have been imposed for crimes in which public prosecution can not be instituted.

6. By prescription of the crime.

7. By prescription of the penalty.

ART. 131. Crimes prescribe twenty years after their commission, when the law fixes the penalty of death or of *cadena perpetua* for the crime.

After fifteen years, when the penalty fixed is any other corporal penalty.

After ten years, when the penalties fixed are correctional.

The crimes of calumny and contumely are excepted, the first of which shall prescribe after one year and the second after six months.

Misdemeanors prescribe two months after their commission.

When the penalty prescribed is a compound penalty, the higher penalty shall be observed in the application of the rules contained in the first, second, and third paragraphs of this article.

The term of the prescription shall commence to run from the day on which the crime was committed; and if not known at the time, from the day of its discovery and the beginning of the judicial proceedings for investigation and punishment.

This prescription shall be interrupted from the commencement of the proceedings against the culprit, and the term of prescription shall commence to run again from the time when such proceedings terminate without the culprit being convicted or the proceedings have stopped, unless it be through the default of the culprit being tried.

ART. 132. The penalties imposed by final sentence prescribe:

Those of death and *cadena perpetua* after twenty years.

The remaining corporal penalties after fifteen years.

The correctional penalties after ten years.

Light penalties after one year.

The term of this prescription will begin to run from the day on which the culprit was personally notified of the final sentence; or from the day of his breaking the sentence, if he had begun to serve it.

It shall be interrupted, the time which has elapsed remaining without effect, in case the culprit should present himself or be captured, if he should have gone to a foreign country with which Spain may not have celebrated extradition treaties; or if, although she should have them, his crime should not be included in their provisions; or if he should commit a new crime before completing the term of the prescription—without prejudice, however, to the latter beginning to run anew.

ART. 133. Civil liability arising out of crimes or misdemeanors shall be extinguished in the same manner as other obligations in accordance with the rules of civil law.

BOOK II.

CRIMES AND THEIR PENALTIES.

TITLE I.

CRIMES AGAINST THE EXTERNAL SECURITY OF THE STATE.

CHAPTER I.

THE CRIME OF TREASON.

ART. 134. A Spaniard who shall induce a foreign power to declare war on Spain, or shall plot with it to the same end, shall be punished with the penalty of *cadena perpetua* to death if war should actually be declared, and otherwise with the penalty of *cadena temporal* in its medium degree to that of *cadena perpetua.*

ART. 135. The following shall be punished with the penalty of *cadena perpetua* to death:

1. A Spaniard who shall facilitate the enemy's entrance into the Kingdom, the capture of a fortified place, military post, national ves sel, or stores of military or food supplies.

2. A Spaniard who shall seduce Spanish troops or troops in the service of Spain to go over to the enemy's ranks or to desert their flag while in the field.

3. A Spaniard who shall recruit people in Spain to make war upon the country under the flag of a hostile power.

Frustrated crimes of the character specified in the preceding num bers shall be punished as though consummated, and the attempts shall be punished with the penalty next lower by one degree.

ART. 136. The following shall be punished with the penalty of *cadena temporal* in its maximum degree to death:

1. A Spaniard who shall take up arms against his country under hostile flags.

2. A Spaniard who shall recruit people in Spain for the service of a hostile power in case such recruits were not to take a direct part in the war against Spain.

3. A Spaniard who shall furnish troops of a hostile power with money, arms, transports, articles or munitions of war, food, or other means, direct and effectual, for carrying on hostilities against Spain, or who shall favor the progress of the hostile arms in a manner not specified in the preceding article.

4. A Spaniard who shall furnish the enemy with topographical maps, or plans of fortifications, documents, or information which shall directly lead to the same end of committing hostilities on Spain or favoring the progress of the hostile arms.

5. A Spaniard who in time of war shall prevent the national troops from receiving the assistance referred to in No. 3 or the data and information referred to in No. 4.

ART. 137. Conspiracy to commit any of the crimes mentioned in the three preceding articles shall be punished with the penalty of *presidio mayor*, and the proposition to commit the said crimes with that of *presidio correccional.*

ART. 138. A foreigner residing in Spanish territory who shall commit any of the crimes specified in the preceding article shall be punished with the penalty next lower than that fixed therein, reserving the provisions of treaties or international law relating to diplomatic officials.

ART. 139. Those who shall commit the crimes specified in the preceding articles against a power allied to Spain, in the case of said power being in the field against the common enemy, shall be punished with the penalties lower by one degree than those respectively prescribed.

ART. 140. The ministers of the Crown shall incur the penalty of *cadena perpetua* to death who, in violation of article 55 of the constitution, shall authorize a decree to any of the following ends:

1. Alienating, ceding, or exchanging any part of the Spanish territory.

2. Authorizing the entrance of foreign troops into the Kingdom.

3. Ratifying treaties of offensive alliance, which may have brought about war between Spain and another power.

Art. 141. The persons mentioned in the foregoing article shall be punished with the penalty of *cadena temporal* in its medium degree to *cadena perpetua*, who, in violation of article 55 of the constitution, shall authorize a decree:

1. Ratifying treaties of offensive alliance which may not have brought about war between Spain and another power.

2. Ratifying treaties in which the stipulation is made to give subsidies to a foreign power.

CHAPTER II.

CRIMES THAT ENDANGER THE PEACE OR INDEPENDENCE OF THE STATE.

ART. 142. The ecclesiastical minister who, in the performance of his office, shall publish or enforce bulls, briefs, or dispatches from the Holy See, or other provisions or declarations that attack the peace or independence of the State, or that oppose the observance of its laws, or encourage their nonobservance, shall incur the penalty of temporary expulsion.

Any layman committing such acts shall incur the penalty of *prisión correccional* in its minimum and medium degrees, and a fine of from 625 to 6,250 pesetas.

ART. 143. Any person who shall introduce, publish, or enforce within the Kingdom any order, provision, or document emanating from a foreign government, that attacks the independence or security of the State, shall be punished with the penalties of *prisión correccional* in its minimum and medium degrees, and a fine of from 625 to 6,250 pesetas, unless such crime directly produces others of greater gravity, in which case he shall be punished as the principal therein.

Art. 144. If any of the crimes mentioned in the two foregoing articles should be committed by any official of the State taking advantage of his character or duties, there shall be imposed upon him, in addition to the penalties established in said articles, that of perpetual absolute disqualification.

ART. 145. He who by unlawful acts or not duly authorized should provoke or furnish a pretext for a declaration of war against Spain on the part of another power, or should expose Spaniards to annoyance or reprisals on their persons or property, shall be punished with the penalty of *reclusión temporal* if he be a State official, and otherwise with that of *prisión mayor*.

If the war be not actually declared, or the reprisals or annoyances do not take place, the respective penalties shall be imposed in the next lower degree.

ART. 146. The penalty of *reclusión temporal* shall be imposed on any person violating a truce or armistice agreed to between the Spanish nation and a hostile nation, or between their belligerent forces, land or naval.

ART. 147. A public official who, taking advantage of his office, should in any way not specifically mentioned in this chapter endanger the dignity or interests of the Spanish nation, shall be punished with the penalties of *prisión mayor* and perpetual disqualification from the office he may hold.

ART. 148. He who, without sufficient authorization, shall raise troops within Spain for the service of a foreign nation for any object or purpose whatsoever, whatever be the nation against which hostility be contemplated, shall be punished with the penalties of *prisión mayor* and a fine of from 12,500 to 125,000 pesetas.

He who, without sufficient authorization, should send out vessels for privateering shall be punished with the penalties of *reclusión temporal* and a fine of from 6,250 to 62,500 pesetas.

ART. 149. He who in time of war holds correspondence with the hostile country or territory occupied by its troops shall be punished:

1. With the penalty of *prisión mayor*, if such correspondence is carried on by ciphers or codes agreed on between the parties.

2. With that of *prisión correccional*, if it be carried on in the usual form and the Government should have forbidden it.

3. With that of *reclusión temporal*, if there were given therein notice or information of which the enemy could take advantage, whatever be the form of such correspondence, and even though the Government should not have forbidden it.

The same penalties shall be incurred by the person committing the crimes mentioned in this article, even though he should send the correspondence through friendly or neutral territory in order to elude the law.

If the culprit should intend to help the enemy with his notices or information, the provisions of article 135 and 136 shall be observed.

ART. 150. Any Spaniard guilty of an attempt to enter a hostile country, if the Government should have prohibited it, shall be subject to the penalties of *arresto mayor* and a fine of from 375 to 3,750 pesetas.[1]

CHAPTER III.

CRIMES AGAINST INTERNATIONAL LAW.

ART. 151. He who should kill a monarch or the head of another State residing in Spain, shall be punished with the penalty of *reclusión temporal* in its maximum degree, to death.

He who should inflict serious wounds upon the said persons shall be punished with the penalty of *reclusión temporal*, and if the wounds were slight with that of *prisión mayor*.

Those who should commit any other attempt at crime not specifically mentioned in the foregoing paragraphs, against the same persons shall incur the last-named penalty.

ART. 152. He who should violate the personal immunity or the domicile of a monarch or head of another State received in Spain in their official character, or who shall violate that of a representative of another power, shall be punished with the penalty of *prisión correccional*.

If the crimes mentioned in this and in the preceding article should have no reciprocal penalties fixed therefor in the laws of the nation to whom the persons offended belong, the penalty shall be imposed upon the delinquent which would be proper for the crime, in accordance with the provisions of this code, if the person offended should not have had the official character mentioned in the foregoing paragraph.

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[1]See Gen. Orders No. 109, Headquarters Department of Porto Rico, July 31, 1899 page 143.

CHAPTER IV.

CRIMES OF PIRACY.

ART. 153. The crime of piracy committed against Spaniards or the subjects of another nation not at war with Spain shall be punished with the penalty of *cadena temporal* to *cadena perpetua.*

If the crime should be committed against nonbelligerent subjects of another nation at war with Spain it shall be punished with the penalty of *presidio mayor.*

ART. 154. Those who commit the crimes referred to in the first paragraph of the preceding article shall incur the penalty of *cadena perpetua* to death; and those who commit the crimes referred to in the second paragraph of the same article that of *cadena temporal* to *cadena perpetua:*

1. Provided that they have taken any vessel by boarding or firing upon her.
2. Provided that such crime should be accompanied by assassination, homicide, or by any of the physical injuries inflicted on persons specified in articles 427 and 428 and in numbers 1 and 2 of article 429.
3. Provided that it was accompanied by any of the outrages against chastity specified in Chapter II, Title IX, of this book.
4. Provided that the pirates should have abandoned any persons without means of saving themselves.
5. In every case, the captain or leader of the pirates.

TITLE II.

CRIMES AGAINST THE CONSTITUTION.

CHAPTER I.

CRIMES OF LÈSE-MAJESTÉ, AGAINST THE CORTES, THE COUNCIL OF MINISTERS, AND AGAINST THE FORM OF GOVERNMENT.

SECTION I.—*Crimes of lèse-majesté.*

ART. 155. Upon any person who shall kill the King there shall be imposed the penalty of *reclusión perpetua* to death.

ART. 156. If the crime referred to in the foregoing article be frustrated or attempted, it shall be punished with the penalty of *reclusión temporal* in its maximum degree to death.

The conspiracy to execute with that of *reclusión temporal.*

And the proposition with that of *prisión mayor.*

ART. 157. The following shall be punished with the penalty of *reclusión temporal* to *reclusión perpetua:*

1. Those who shall deprive the King of his personal liberty.

2. Those who shall force him, by violent means or by grave intimidation, to perform any act contrary to his will.

3. Those who shall cause him grave physical injuries not included in the first paragraph of article 156.

ART. 158. If the violence, intimidation, or physical injuries referred to in numbers 2 and 3 of the preceding article be not grave, the penalty of *reclusión temporal* shall be imposed on the guilty person.

ART. 159. The penalty of *reclusión temporal* shall likewise be imposed:

1. Upon a person who shall outrage or threaten the King in his presence.

2. Upon a person who shall enter the King's residence with violence.

ART. 160. Any person who shall threaten or outrage the King publicly in writing, outside of his presence, shall be punished with the penalties of *prisión mayor* and a fine of from 1,250 to 12,500 pesetas.

Outrages and threats couched in any other form shall be punished, if they should be grave, with the penalty of *arresto mayor* in its medium degree to *prisión correccional* in its minimum degree, and if they should be light, with the penalty of *arresto mayor* in its medium degree to *prisión correccional* in its minimum degree.

ART. 161. He who shall kill the immediate successor to the Crown or the Regent of the Kingdom shall be punished with the penalty of *reclusión temporal* in its maximum degree to death.

If the crime be frustrated or attempted, with the penalty of *reclusión temporal* to death.

The conspiracy with that of *prisión mayor* in its medium and maximum degrees.

And the proposition with that of *prisión correccional* in its maximum degree to *prisión mayor* in its minimum degree.

ART. 162. If the crimes mentioned in the preceding articles of this section, with the exception of those comprised in the last article, should be committed against the immediate successor to the Crown, the consort of the King or the Regent of the Kingdom, they shall be punished with the penalties lower by one degree than those prescribed therein.

SECTION II.—*Crimes against the Cortes and its members and against the council of ministers.*

ART. 163. In case there should be a vacancy of the Crown, or in case the King should be disabled in any manner whatsoever from governing the nation, those members of the royal family, ministers, authorities, and other civil or military officials who shall disobey the Regent after he has taken the oath that the constitution requires, or the council of ministers during the time that they are provisionally governing the Kingdom in accordance therewith, shall be punished

with the penalty of *relegación temporal* in its maximum degree to *relegación perpetua.*

ART. 164. The penalty of *confinamiento* shall be incurred by those who, forming part of an armed force, shall collectively address petitions to either of the co-legislative bodies, even though such petitions should not be personally presented.

The same penalty shall be incurred by those who, forming part of an armed force, should present them individually, but not according to the laws of their organization, in so far as they have relation thereto.

The penalties prescribed in this article shall be respectively imposed in their maximum degree on those who hold a command in the armed force.

ART. 165. The following shall also incur the penalty of *confinamiento:*

1. Those who shall outrage or threaten a senator or deputy on account of the opinions he may have expressed or the votes cast in the senate or chamber of deputies.

2. Those who use force, intimidation, or serious threat to prevent a senator or deputy from attending the co-legislative body to which he belongs, or who by the same means should coerce the free declaration of his opinions or the casting of his vote.

In the cases provided for in the two preceding numbers of this article, a challenge to fight a duel shall be considered as a serious threat.

ART. 166. If the outrage, threat, force, or intimidation referred to in the preceding article were not serious, the delinquent shall suffer the penalty of banishment and a fine of from 325 to 3,250 pesetas.

ART. 167. The penalties prescribed in the three preceding articles shall be imposed in their maximum degree if the guilty persons are recidivists.

ART. 168. The public official who, when the Cortes is in session, should, without due permission of the respective legislative body, detain, arrest, or commit for crime any senator or deputy, unless he had been taken *in flagrante*, shall incur the penalty of temporary special disqualification.

The same penalty shall be incurred by the judge who, having passed sentence on a senator or deputy, in a trial instituted without the permission referred to in the preceding paragraph, should carry out said sentence without the legislative body to which the accused belongs having authorized its execution.

There shall also be punished with the same penalty of temporary special disqualification the administrative or judicial officials who should detain a senator or deputy *in flagrante*, and fail to report it to the Cortes immediately if in session; or who should fail likewise

to report to the Cortes as soon as it assembles the arrest of any of its members which they may have ordered, or the proceedings they may have instituted against such members during the interval of the sessions.

SECTION III.—*Crimes against the form of Government.*

ART. 169. Persons who shall execute any kind of acts or deeds directly tending to obtain by force any of the following ends, shall be considered guilty of crimes against the form of Government established by the constitution:

1. To substitute for the constitutional monarchical Government an absolute monarchical or republican government.

2. To deprive, in whole or in part, the King, the Regency, or the Cortes of the privileges and powers vested in them by the constitution.

3. To change the legitimate order of the succession of the Crown, or to deprive the dynasty of the rights granted it by the constitution.

4. To deprive the council of ministers of the right to govern the Kingdom provisionally until the Regent takes the oath in accordance with the constitution.

ART. 170. The following shall also commit crimes against the form of Government:

1. Those who in any kind of public meetings or places of numerous assemblage shall raise cheers or other outcries that shall provoke acclamations tending to the accomplishment of any of the purposes specified in the preceding article.

2. Those who in said meeting and places make speeches or read or distribute printed matter or carry emblems and banners, tending to the realization of the objects mentioned in the preceding article.

ART. 171. Public officials who should execute any mandate or order issued by the King in the exercise of his constitutional authority without being signed by the proper minister shall also be considered guilty of a crime against the form of Government.

ART. 172. Those who, publicly and in open hostility, should rise in arms, in order to perpetrate any of the crimes provided for in article 169, shall be punished with the following penalties:

1. Those who may have instigated, supported, or directed said rising or who appear as its principal leaders, with the penalty of *reclusión temporal* in its maximum degree to death.

2. Those in charge of a subaltern command therein, with that of *reclusión temporal* to death, should they be persons filling civil or ecclesiastical office, or if there should have been any engagement between the forces under their command and the public forces loyal to the government, or if their forces should have caused ravages among the properties of private persons, of towns, or of the State, or have cut the telegraph wires or the railroad lines, or have committed any

acts of gross violence against individuals, or exacted contributions, or diverted public funds from their lawful purpose.

With the exception of these cases, the penalty of *reclusión temporal* shall be imposed on the culprit.

3. The mere participants in the rising, with that of *prisión mayor* in its medium degree to *reclusión temporal* in its minimum degree, in the cases provided for in the first paragraph of the preceding number, and with that of *prisión mayor* in its full limit, in the cases mentioned in the second paragraph of the same number.

ART. 173. Those who, without rising in arms and in open hostility against the Government, shall commit any of the crimes provided for in the said article 169 shall be punished with the penalty of *prisión mayor*.

ART. 174. He who shall commit any of the crimes included in article 170, shall be punished with the penalty of banishment.

ART. 175. A public official who is responsible for the crime mentioned in article 171, shall suffer the penalty of temporary special disqualification.

SECTION IV.—*Provisions common to the three preceding sections.*

ART. 176. The provisions contained in the articles included in this chapter are understood without prejudice to the prescriptions of other articles of this code which fix a higher penalty for any one of the acts punished in the former.

CHAPTER II.

CRIMES COMMITTED ON THE OCCASION OF THE EXERCISE OF THE INDIVIDUAL RIGHTS GUARANTEED BY THE CONSTITUTION.

SECTION I.—*Crimes committed by individuals on the occasion of the exercise of individual rights guaranteed by the constitution.*

ART. 177. The following are not peaceful meetings or demonstrations:

1. Those which are held in violation of the police rules of a general or permanent character of the locality where the meeting or demonstration takes place.

2. Open-air meetings or political demonstrations held at night.

3. Meetings or demonstrations where a certain number of people assemble with firearms, lances, sabres, swords, machetes, or any other similar weapons.

4. Meetings or demonstrations which are held for the purpose of committing any of the crimes punished by this code, or those where,

during the meeting, any of the crimes punished in Title III, Book II, hereof are committed.

ART. 178. The organizers and leaders of any meeting or demonstration that is held without written notice thereof having been given to the authorities twenty-four hours in advance, stating the object, time, and place of the meeting, shall incur the penalty of *arresto mayor* and a fine of from 325 to 3,250 pesetas.

ART. 179. The organizers and leaders of any meeting or demonstration included in any of the cases of article 177 shall incur the penalty of *prisión correccional* in its minimum and medium degrees, and a fine of from 325 to 3,250 pesetas.

ART. 180. In the cases of the preceding articles, if the meeting or demonstration shall not have actually taken place, the personal penalty shall be the next lower in degree.

ART. 181. For the enforcement of the provisions of the preceding articles, as leaders of the meeting or demonstration shall be considered those who, by the speeches they may have delivered thereat, or by the printed matter which they may have published or distributed at the same, by the mottoes, flags, or other emblems displayed, or by any other means, appear as instigating the proceedings.

ART. 182. Those merely attending the meetings or demonstrations mentioned in Nos. 1 and 2 and the first case of No. 4 of article 177, shall be punished with the penalty of *arresto mayor*.

ART. 183. The organizers, leaders, and persons present at any meeting or demonstration whatsoever shall respectively incur the penalties next higher in degree, if they fail to disperse it upon a second notice to do so from the authorities or their agents.

ART. 184. Those who assemble at meetings or demonstrations, carrying firearms, lances, sabres, swords, machetes, or any other similar weapons, shall be punished with *prisión correccional*, in its minimum and medium degree.

ART. 185. Those attending meetings or demonstrations who, during its progress, shall commit any of the crimes punished in this code, shall incur the penalty corresponding to the crime they commit, and may be arrested at once by the authorities or their agents, or in their absence by any other person attending.

ART. 186. The following are illegal associations:

1. Those which by their purpose or circumstances are contrary to public morals.

2. Those whose object it is to commit any of the crimes punished in this code.

ART. 187. The following persons shall incur the penalty of *prisión correccional* in its minimum and medium degrees, and a fine of from 325 to 3,250 pesetas:

1. The founders, directors, and presidents of associations which may be organized and are included in any of the numbers of the preceding article.

If the association should not have been organized, the personal penalty shall be that next lower in degree.

2. The founders, directors, and presidents of associations which may be organized without notice to the local authorities of their purpose and by-laws eight days before their first meeting, or of the place of the meeting twenty-four hours before the respective meeting, even if the first place selected for the meeting should later be changed for another.

3. The directors or presidents of associations who do not admit the authorities or their agents or do not give them the right of attending the meetings.

4. The directors or presidents of associations who do not stop meetings on the second notice to do so of the authorities or their agents.

ART. 188. The following shall incur the penalty of *arresto mayor:*

1. The individual members of the associations mentioned in article 186.

If the association should not have been organized, the penalties shall be public censure and a fine of from 325 to 3,250 pesetas.

2. The individual members who commit the crime mentioned in No. 3 of the foregoing article.

3. The individual members who do not withdraw from the meeting on the second notice given by the authorities or their agents that the meeting must be suspended.

ART. 189. The founders, directors, presidents, and members of associations who again hold a meeting after its having been suspended by the authorities or their agents, provided that the judicial authority has not revoked the suspension ordered, shall incur the penalties next higher in degree than those respectively prescribed in the last two articles.

ART. 190. Those who establish and direct institutions of learning in violation of the laws in force on the subject shall incur the penalty of *arresto mayor* and a fine of from 500 to 5,000 pesetas.

ART. 191. The following shall incur the penalty of *arresto mayor:*

1. The authors, directors, editors, and printers in their respective cases of secret publications.

By such shall be considered those which do not bear the printer's name upon the copies printed or which bear a fictitious one.

2. The directors, editors, or printers (also in their respective cases) of the periodical publications who have not complied with the precepts of the special law of the press.

SECTION. II.—*Crimes committed by public officials against the exercise of individual rights guaranteed by the constitution.*

ART. 192. A public official who, without the authorization of law, shall impose any punishment equivalent to personal punishment, by arrogating judicial powers to himself, shall incur:

1. The penalty of temporary absolute disqualification, if the punishment imposed were equivalent to a corporal penalty.

2. The penalty of suspension in its medium and maximum degrees, if it were equivalent to a correctional penalty.

3. The penalty of suspension in its minimum and medium degrees, if it were equivalent to a light penalty.

ART. 193. If the punishment arbitrarily imposed should have been carried out, in addition to the penalties prescribed in the preceding article, the punishment imposed shall be inflicted on the guilty official and in the same degree.

If the punishment should not have been carried out that next lower in degree shall be imposed upon him, if the former should not have gone into effect through a cause independent of his will.

ART. 194. If the penalty arbitrarily imposed should have been a pecuniary one the guilty official shall be punished:

1. With that of temporary absolute disqualification and a fine of an amount equal to three times the amount thereof if it should have been exacted.

2. With that of suspension in its medium and maximum degrees and a fine of from one-half to an equal amount thereof if the penalty had not been exacted through a cause independent of his will.

3. With that of suspension in its medium and minimum degrees if it should not have been exacted by reason of the voluntary revocation of the said official.

ART. 195. The authorities and officials, civil and military, who, even though the constitutional guaranties may be suspended, should have established a penalty different from that previously prescribed by law for any kind of crimes, and those who enforce such penalties, shall respectively incur, according to the facts, the penalties prescribed in the three foregoing articles.

ART. 196. The judicial authority who unduly remits a criminal case to another military or administrative authority or official which illegally claims it, shall be punished with the penalty of suspension in its medium and maximum degrees.

The military or administrative authority or official who should persist in his demand for the unlawful remission of the case and should compel the judicial authority to comply after the latter had pointed out the illegality of such a demand, shall be punished with the penalty next higher in degree.

ART. 197. If the person of the criminal shall also have been demanded and surrendered, the penalties shall, in their respective cases, be those next higher in degree than those prescribed in the preceding article.

ART. 198. The public official who, unless it be by reason of a crime, should detain a person without being authorized to do so by law, the constitutional guaranties not being suspended, shall incur the penalty of a fine of from 325 to 3,250 pesetas, if the detention should not have exceeded three days; the penalty of suspension in its minimum and medium degrees, if it should have exceeded said period and not been more than fifteen days; that of suspension in its maximum degree to temporary absolute disqualification in its medium degree, if it should not have been less than fifteen days nor have reached one month; that of *prisión correccional* in its maximum degree to *prisión mayor* in its minimum degree, if it should have been more than one month and should not have exceeded a year; and that of *prisión mayor* in its medium degree to *reclusión temporal* to its full limit, if the detention should have exceeded one year.

ART. 199. The public official who should delay complying with a judicial order to release a person imprisoned or detained whom he may have under his control, shall be punished with the penalties next higher in degree than those prescribed in the preceding article in proportion to the duration of the delay.

ART. 200. The public official who, not being a judicial authority and the constitutional guaranties not having been suspended, shall detain a person for a crime and shall not deliver him to the judicial authority within the twenty-four hours after the detention took place, shall respectively incur the penalties next higher in degree than those prescribed in the said article 198.

ART. 201. The following shall also incur the same penalties in their respective cases:

1. The warden of a jail or any other public official who shall receive as a prisoner any person whatsoever and shall allow twenty-four hours to elapse without informing the judicial authority thereof.

2. The warden of a jail or other public official who does not liberate a prisoner who should not have been committed to prison within the seventy-two hours next after due notice of his detention should have been given to the judicial authorities.

3. The warden of a jail or other public official who shall receive a person in the capacity of a prisoner, unless by virtue of a judicial order, or shall keep him in prison after seventy-two hours have elapsed from his having been received in such capacity or having been notified of the warrant for his commitment, unless during that time the prisoner should also have been notified of the writ ratifying the former.

4. The warden of a jail or any other public official who shall conceal a prisoner from the judicial authority.

5. The warden of a jail or other penal institution who, without an order of the judicial authority, shall have placed a prisoner or one under sentence either in solitary confinement or in a place different from that where he belongs.

6. The warden of a jail or head of a penal institution who should impose upon prisoners or those under sentence improper deprivations or treat them with unnecessary severity.

7. The warden of a jail or the head of a penal institution who should deny to a person detained or a prisoner, or to whomsoever may represent him, a certificate of his detention or imprisonment, or who should not forward any petition relative to his release.

8. The head of a penal institution who should retain a person in the institution after having received official notice of his pardon or after his term of imprisonment had expired.

The provisions of Nos. 1, 2, 3, and 5 shall not be applicable when the warden of a jail or head of a penal institution or public official acts in compliance with an order of the civil or military authority issued in the exercise of legal powers.

ART. 202. The following shall incur the penalty of suspension in its minimum and medium degrees:

1. The judicial authority who should neither set at liberty nor commit a prisoner by a warrant, stating the reasons therefor (*auto motivado*), within 72 hours following that in which he may have been placed at his disposal.

2. The judicial authority who shall not ratify a warrant of commitment or declare it null within 72 hours after it may have been issued.

3. The judicial authority who, with the exception of the cases mentioned in the two preceding numbers, shall detain in the capacity of prisoner a person whose release is proper.

4. The judicial authority who should improperly order or prolong the solitary confinement of a prisoner.

5. The clerk or secretary of a superior or inferior court who shall permit the term referred to in No. 1 of this article to elapse without notifying the prisoner of the warrant committing him to prison or the writ terminating his detention.

6. The secretary or clerk of a superior or inferior court who shall unduly delay the notification of the warrant or writ raising solitary confinement or setting a prisoner at liberty.

7. The clerk or secretary of a superior or inferior court who shall delay informing them of any petition of a person detained or imprisoned, or of his representative, relating to his freedom.

If the delay referred to in the foregoing numbers shall have lasted more than one month and shall not have exceeded three, the culprits

shall incur, in their respective cases, the penalty of suspension in its maximum degree to temporary absolute disqualification in its medium degree and a fine of from 325 to 3,250 pesetas; and if it should have exceeded said period, that of temporary absolute disqualification in its maximum degree to perpetual absolute disqualification and a fine of from 1,250 to 12,500 pesetas.

ART. 203. The following shall incur the penalties of suspension in its minimum and medium degrees and a fine of from 325 to 3,250 pesetas:

1. The public official who, not being a judicial authority and the constitutional guaranties not having been suspended, shall enter the domicile of a Spaniard or foreigner without his consent, except in the cases and in the manner expressly prescribed by law.

2. The public official who, without being authorized by law and not being a judicial authority, and the constitutional guaranties likewise not being suspended, shall make a search through the papers of a Spaniard or of a foreigner and the effects which may be found in his domicile, unless their owner should have given his consent.

If he should not return at once to the owner the papers and effects thus examined immediately after making the search, the penalty shall be that next higher in degree.

If the crimes punished in the two preceding numbers should be committed at night, the penalties shall be those of suspension in its medium and maximum degrees and a fine of from 625 to 6,250 pesetas, reserving the provisions of the second paragraph of No. 2, with regard to which the penalty shall be that next higher in degree than those prescribed therein.

ART. 204. The public official who, on the occasion of a search through the papers and effects of a person, shall commit any other unjust vexation against persons or wanton damage to their property, shall likewise incur the penalties of suspension in its minimum and medium degrees and a fine of from 325 to 3,250 pesetas.

If he should remove such property and appropriate it to himself, he shall be punished as guilty of the crime of robbery with violence against the person.

ART. 205. The judicial authority who, with the exception of the cases prescribed and in violation of the forms established by law, and the constitutional guaranties not being suspended, should enter by night the domicile of a Spaniard or foreigner without his consent, shall incur the penalty of suspension in its minimum and medium degrees and a fine of from 325 to 3,250 pesetas.

ART. 206. The same penalty shall be incurred by any authority who shall make an examination of papers and effects in the domicile of a Spaniard or foreigner, unless in the presence of the interested person or in that of a member of his family, or, in their absence, in that of two witnesses from the same locality.

ART. 207. The public official who, not being a judicial authority, shall detain private correspondence intrusted to the mails shall incur a fine of from 325 to 3,250 pesetas.

ART. 208. The public official who, not being a judicial authority, shall open private correspondence intrusted to the mails shall incur a fine of from 325 to 3,250 pesetas.

The public official who shall open a telegraphic message intrusted to him for delivery at a domicile shall incur the same penalty.

ART. 209. The public official who shall extract letters from the mails shall be punished with the penalty of a temporary absolute disqualification in its minimum and medium degrees and a fine of from 1,250 to 12,500 pesetas.

ART. 210. The public official who, without being expressly authorized by law, and the constitutional guaranties not being suspended, shall banish a person to a distance greater than 250 kilometers from his domicile, unless by virtue of a judicial sentence, shall incur the penalty of a fine of from 325 to 3,250 pesetas.

The public official who, without being expressly authorized by law, and the constitutional guaranties not being suspended, shall compel a person to move his domicile or residence, shall be punished with the penalty of banishment and a fine of from 625 to 6,250 pesetas.

ART. 211. The public official who, without being authorized by law, shall deport or exile from the territory of the kingdom any person, unless by virtue of a final sentence, shall be punished with the penalty of *confinamiento* and a fine of from 1,250 to 12,500 pesetas.

ART. 212. A public official who orders the payment of a general, provincial, or municipal tax not legally authorized shall be punished with the penalty of suspension in its maximum degree to temporary absolute disqualification in its minimum degree and a fine of from 625 to 6,250 pesetas.

ART. 213. The public officials who shall exact from taxpayers to the State, province, or municipality the payment of taxes not authorized according to their respective classes by the Cortes, the provincial deputation, or the municipal council, shall incur the penalty of suspension in its medium and maximum degree to temporary absolute disqualification in its medium degree and a fine of from 625 to 6,250 pesetas.

If such exaction should have been consummated, the fine shall be an amount equal to three times that of the amount collected.

If the exaction should have been effected by employing compulsion or any other means of coercion, the penalty shall be that of temporary absolute disqualification and the aforesaid fine.

ART. 214. If the amount collected should not have been paid according to its character into the treasury of the province or municipality by the fault of the person who may have collected it, he shall be pun-

isned as a swindler by the maximum degree of the proper punishment therefor.

ART. 215. The authorities who shall give their aid and cooperation to the officials referred to in the two preceding articles shall incur the penalties of temporary absolute disqualification and a fine of from 325 to 3,250 pesetas.

If they should have received profits from the amounts collected, they shall be punished as equal principals in the crime punished in the preceding article.

ART. 216. The public official who shall condemn the property of any person, unless by virtue of a mandate from the competent authorities, for reason of public utility, before proper indemnification made therefor, shall incur the penalties of suspension in its medium and maximum degrees and a fine of from 625 to 6,250 pesetas.

If he shall disturb any person in the possession of his property, unless by virtue of a judicial writ or a mandate from the competent authority, issued in accordance with the express provisions of the laws, he shall incur the same penalty.

ART. 217. The following shall be punished with the penalties of suspension in its minimum and medium degrees and a fine of from 325 to 3,250 pesetas:

1. The public official who, the constitutional guaranties not being suspended, should forbid or prevent a person, neither under arrest nor a prisoner, from attending any meeting or demonstration that is legal in accordance to law.

2. The public official who, under the same conditions, should prevent or prohibit a person from forming part of any association, unless it be one of those included in article 186 of this code.

3. The public official who, under the same conditions as of the preceding articles, should prevent or forbid a person to address, either by himself or together with others, petitions to the Cortes, the King, or the authorities, unless it should have been forbidden to them by law.

ART. 218. A public official who, being neither authorized by law and the constitutional guaranties not being suspended, shall in any manner whatsoever prevent the holding of a peaceful meeting or demonstration of which he had official notice, or the foundation of any association not included in article 186 of this code, or the holding of its meetings, unless it be those in which any of the crimes punished in Title III, Book II of the same, should have been committed, shall incur the penalty of suspension in its medium and maximum degrees and a fine of from 625 to 6,250 pesetas.

ART. 219. The public official who, not being authorized by a law and the constitutional guaranties not being suspended, shall order the dissolution of any meeting or pacific demonstration, or the suspension

of any association not included in article 186 of this code, shall be punished with the penalty of suspension in its maximum degree, to temporary absolute disqualification in its minimum degree, and a fine of from 625 to 6,250 pesetas.

ART. 220. The public official who does not bring to the notice of the judicial authorities his suspension of an unlawful association or the meeting of any other association whatsoever, and the reasons of the suspension ordered, within the twenty-four hours following his action, shall incur the penalty of suspension in its medium and maximum degrees and a fine of from 625 to 6,250 pesetas.

ART. 221. The same penalties shall be incurred by the public official who shall order the closing or dissolution of any private educational institution, unless for sufficient reasons of hygiene or morals or other causes expressly provided by law, and he who shall not inform the judicial authorities of such closing or dissolution within the twenty-four hours following its having taken place.

ART. 222. The penalty of banishment shall be incurred by the public official in its minimum and medium degrees, who without having demanded two successive times the dissolution of any meeting or demonstration, or the suspension of the session of an association, should employ force to dissolve or suspend it, unless there should have been previous violent aggression on the part of those taking part in the meeting, demonstration, or session of the association.

If slight injuries should result from the employment of force to one or more of those present, the penalty shall be that of banishment in its medium and maximum degrees and the same fine.

If the injuries should be grave, the penalty shall be that of *confinamiento* in its minimum and medium degrees and a fine of from 1,250 to 12,500 pesetas.

If death should have resulted therefrom, the penalty shall be that of *confinamiento* in its maximum degree to *relegación temporal* and a fine of from 3,125 to 31,250 pesetas.

ART. 223. A public official who, after a meeting or demonstration has been dissolved or any association or its meetings suspended, should refuse to give information to the judicial authority requesting it, of the causes which gave rise to said dissolution or suspension, shall be punished with the penalty of temporary absolute disqualification and a fine of from 625 to 6,250 pesetas.

SECTION III.—*Crimes in violation of the constitutional provisions relating to religion and worship.*

ART. 224. Those who by violence, disorderly conduct, threats, or tumults, prevent, interrupt, or disturb the functions, acts, ceremonies, or manifestations of the religion of the State shall be punished with the penalty of *prisión correccional* and a fine of from 65 to 650 pesetas

if the crime were committed in churches, chapels, or places devoted to worship; and with that of *arresto mayor* to *prisión correccional* in its minimum degree, and a fine of from 50 to 500 pesetas if the offense be committed in any other place.

ART. 225. He who with the intention of offending the Catholic religion should trample, cast on the ground, or in any other manner profane the sacred elements of the Eucharist shall be punished with the penalty of *prisión mayor*.

ART. 226. Those who in offense of the State religion shall trample, destroy, break, or profane sacred objects devoted to worship within churches or without them, shall incur the penalty of *prisión correccional*.

ART. 227. He who with deliberate intention makes ridicule of the Catholic religion by word or writing, publicly contemning its dogmas, rites, or ceremonies, shall be punished with the penalty of *arresto mayor* to *prisión correccional* in its minimun degree if the deed should have occurred in churches or on the occasion of acts of worship; and with that of *arresto mayor* if the crime should have been committed in other places and not on the occasion of such acts of worship.

ART. 228. He who shall practice outside the precincts devoted to worship other than that of the Catholic religion public ceremonies or celebrations belonging to the same, shall incur the penalty of *confinamiento*.

For the purposes of this article the respective cemeteries of the dissenting religions shall be considered as precincts similar to those wherein they worship.

ART. 229. He who shall physically maltreat a minister of the Catholic religion while performing the offices of his ministry shall incur the penalty of *prisión correccional*.

He who shall offend under similar circumstances by word or gestures shall be punished with the penalty of *arresto mayor* in its medium degree to *prisión correccional* in its maximum degree.

ART. 230. He who by means of threats, violence, or other lawless coercion shall force any person to perform acts of worship or to attend the rites of a religion not his own, shall incur the penalty of *prisión correccional* in its medium and maximum degrees and a fine of from 625 to 6,250 pesetas.

ART. 231. He who by the same means shall prevent any person from performing the acts of worship of the religion which he professes, or from attending its rites, shall incur the penalties prescribed in the preceding article.

ART. 232. The following shall incur the penalty of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree and a fine of from 300 to 3,000 pesetas:

1. He who by the means mentioned in the preceding article shall

force any person to perform the acts of worship or attend the rites of a religion which he himself professes.

2. He who by the same means shall prevent any person from observing the religious festivals of his sect.

3. He who by the same means shall prevent any person from opening his shop, warehouse, or other establishment, or force him to abstain from any work of whatsoever nature on stated religious festivals.

The provisions of the foregoing paragraph shall be understood without prejudice to the general or local police regulations or of public order.

ART. 233. Those who by the employment of the means mentioned in article 224 shall prevent or disturb the acts of worship or the ceremonies of a religion distinct from the Catholic religion within its precincts or cemeteries, respectively, shall be punished with the penalty of *arresto mayor*.

ART. 234. He who shall physically maltreat a minister of any religion other than the Catholic religion while exercising his functions shall be punished with the penalty of *arresto mayor* in its medium and maximum degrees to *prisión correccional* in its minimum degree.

Offense by speech, under similar circumstances, shall be punished with the penalty of *arresto mayor*.

ART. 235. He who shall publicly ridicule any of the dogmas or ceremonies of a religion that has adherents in Spain shall be punished with a fine of from 325 to 3,250 pesetas.

SECTION IV.—*Provisions common to the three preceding sections.*

ART. 236. The provisions of this chapter shall be understood without prejudice to those of other chapters of this code which prescribe a higher penalty for any of the acts included in the three preceding sections.

TITLE III.

CRIMES AGAINST PUBLIC ORDER.

CHAPTER I.

REBELLION.

ART. 237. Those who shall rise publicly and with open hostility against the Government for any of the following purposes are guilty of rebellion:

1. To proclaim the independence of the islands of Cuba and Porto Rico, or either of them.

2. To dethrone the King, or depose the Regent or Regency of the Kingdom, or deprive them of their personal liberty, or oblige them to execute an act contrary to their will.

3. To prevent the holding of elections for deputies to the Cortes or Senators in the whole Kingdom, or the lawful assemblage of the same.

4. To dissolve the Cortes or prevent the deliberations of either of the colegislative bodies, or to force them to adopt any resolution.

5. To commit any of the crimes specified in article 163.

6. To subtract the Kingdom, or a part of it, or any body of land or naval troops, or any other class of armed force from its obedience to the Supreme Government.

7. To use and exercise the constitutional prerogatives of the ministers of the Crown, or to despoil them thereof, or hinder or curtail their free exercise of the same.

ART. 238. Those who by inciting the rebels and making them resolute shall have promoted and sustained the rebellion, begun for the purpose mentioned in No. 1 of the preceding article, and its principal chiefs, shall be punished with the penalty of *cadena perpetua* to death; and in other cases with that of *reclusión temporal* in its maximum degree to death.

ART. 239. Those who exercise a subaltern command in a rebellion organized to commit the crime referred to in No. 1 of article 237 shall incur the penalty of *cadena perpetua* to death, if they were persons filling a civil or ecclesiastical office.

ART. 240. Those who exercise a subaltern command in a rebellion, the purpose of which is to commit any crime mentioned in the other numbers of article 237, shall incur the penalty of *reclusión temporal* in its maximum degree to death, and that of *reclusión temporal* if said purpose were not included in any of them.

ART. 241. The mere participants in a rebellion shall be punished with the penalty of *reclusión temporal* in its fullest extent in the cases mentioned in the first paragraph of No. 2 of article 172, and with that of *prisión mayor* in its medium degree to *reclusión temporal* in its minimum degree, should they not be included therein.

ART. 242. If the rebellion should not have been organized by known leaders, those who in fact lead the others, or speak for them, or sign the receipts or other documents in their name, or exercise other similar acts in representation of the others, shall be considered leaders.

ART. 243. The following shall be punished as rebels, with the penalty of *prisión mayor:*

1. Those who, without rising against the Government, commit by craft or any other means whatsoever the crimes included in article 237.

2. Those who seduce troops or other class of land or naval armed force into committing the crime of rebellion.

If the rebellion actually takes place, the seducers shall be considered promoters thereof and shall suffer the penalty prescribed in article 238.

ART. 244. Conspiracy to commit the crime of rebellion shall be punished with the penalty of *prisión correccional* in its medium and maximum degree.

The proposal to do so shall be punished with that of *reclusión temporal* in its minimum and medium degree.

CHAPTER II.

SEDITION.

ART. 245. Those who shall rise publicly and tumultuously in order to attain by force, or outside of legal methods, any one of the following objects, are guilty of sedition:

1. To prevent the promulgation or execution of laws, or the free holding of popular elections in any province, circumscription, or electoral district.

2. To prevent any authority, corporation, official, or public officer from freely exercising his duties or the execution of his judicial or administrative orders.

3. To wreak any deed of hate or revenge upon the person or property of any authority or its agents.

4. To wreak, with a political or social object, any deed of hate or revenge upon individuals, or upon any class in the State.

5. To despoil, with a political or social object, any class of persons, the municipality, the province, or the State of all or any part of their property, or to lay waste or destroy such property.

ART. 246. Those who by inciting the seditious and making them resolute shall have promoted and supported sedition and its principal leaders, shall be punished with the penalty of *reclusión temporal*, should they be included in any of the cases specified in the first paragraph of No. 2 of article 172, and with that of *prisión mayor*, if they are included in none of these.

ART. 247. Mere participants in sedition shall be punished with the penalty of *prisión correccional* in its medium and maximum degrees in the cases specified in the first paragraph of No. 2 of said article 172, and with that of *prisión correccional* in its minimum and medium degrees if not included therein.

ART. 248. The provisions of article 242 are applicable to the case of sedition which has not been organized by known leaders.

ART. 249. A conspiracy to commit the crime of sedition shall be punished with the penalty of *arresto mayor* to *prisión correccional* in its minimum degree.[1]

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[1] See General Order 109, Headquarters Department of Porto Rico, July 31, 1899, page 143.

ART. 250. Those who shall seduce troops, or any other class of land or naval armed forces whatsoever, to commit the crime of sedition, shall be punished with the penalty of *prisión correccional* in its medium and maximum degree.

If the sedition should have been effectual, the seducers shall be considered as promoters thereof and shall suffer the penalty prescribed in article 246.

ART. 251. If the sedition should not have reached the point of embarrassing in a serious manner the exercise of public authority, nor having caused the perpetration of any other grave crime, the courts shall reduce the penalties prescribed in this chapter by one or two degrees.

CHAPTER III.

PROVISIONS COMMON TO THE TWO PRECEDING CHAPTERS.

ART. 252. The courts shall reduce by one or two degrees the penalties prescribed in the two preceding chapters in the case of rebels and seditious persons who may disband or submit to the lawful authorities at the first summons to do so, provided that they were not public employees.

ART. 253. Individual crimes committed during a rebellion or sedition, or on the occasion thereof, shall be respectively punished according to the provisions of this code.

If the authors thereof can not be discovered, the principal leaders of the rebellion or sedition shall be punished as such.

ART. 254. The authorities directly appointed by the government who shall not have resisted the rebellion or sedition by all the means within their power, shall suffer the penalty of temporary to perpetual absolute disqualification.

Those not directly appointed by the government shall suffer the penalty of suspension in its maximum degree to temporary absolute disqualification in its medium degree.

ART. 255. The employees who continue to discharge their duties under the orders of those in uprising, or who, without having had their resignation from office accepted, abandon it when there is danger of rebellion or sedition, shall incur the penalty of temporary special disqualification.

ART. 256. Those who shall accept office from rebels or seditious persons shall be punished with the penalty of temporary absolute disqualification for public office in its minimum degree.

ART. 257. The penalties of *prisión mayor* and *prisión correccional*, which are imposed for the crimes included in Chapters I and II, shall be served in institutions within or without the islands of Cuba or Porto Rico.

Chapter IV.

CRIMINAL ATTEMPTS AGAINST THE AUTHORITIES AND THEIR AGENTS—RESISTANCE AND DISOBEDIENCE.

Art. 258. The following commit criminal attempt:

1. Those who, without public uprising, employ force or intimidation for any of the purposes mentioned under the crimes of rebellion and sedition.

2. Those who attack the authorities or their agents, or employ force against them, or gravely intimidate them, or offer an equally grave resistance while they are discharging the functions of their office or on the occasion thereof.

Art. 259. The criminal attempts included in the preceding article shall be punished with the penalties of *prisión correccional* in its medium degree to *prisión mayor* in its minimum degree, and a fine of from 625 to 6,250 pesetas, provided that any of the following circumstances are attendant:

1. If the aggression were accomplished by weapons.
2. If those guilty thereof were public officials.
3. If the delinquents laid hands upon the authorities.
4. If in consequence of compulsion the authorities should have yielded to the exactions of the delinquents.

Without these circumstances the penalty shall be *prisión correccional*, from its minimum to its medium degree, and a fine of from 375 to 3,750 pesetas.

Art. 260. The penalty prescribed in the last paragraph of the foregoing article shall be imposed in its maximum degree upon culprits if they employ the force or intimidation mentioned in number 1 of article 258 for the purpose mentioned in number 1 of article 237, or if they should have laid hands upon persons who may have come to the assistance of the authorities, or upon their agents, or upon public officials.

Art. 261. The persons who, without being included in article 258, should resist the athorities or their agents, or should grossly disobey them in the performance of the duties of their office, shall be punished with the penalties of *arresto mayor* and a fine of from 325 to 3,250 pesetas.

Chapter V.

ACTS OF DISRESPECT, INSULTS, ACTS OF CONTUMELY AND THREATS AGAINST AUTHORITIES; AND INSULTS, ACTS OF CONTUMELY, AND THREATS AGAINST THEIR AGENTS AND OTHER PUBLIC OFFICIALS.

Art. 262. The following commit an act of disrespect:

1. Those who, while a minister of the Crown or an authority is in

the exercise of his functions or on the occasion thereof, shall calumniate, outrage, or insult him by deed or word, in his presence or in a writing addressed to him, or who shall threaten him.

2. The public official who, while his hierarchical superior is in the exercise of his office, shall calumniate, outrage, or insult him by act or word, in his presence or in any writing addressed to him, or who shall threaten him.

ART 263. If the calumny, insult, outrage, or threat referred to in the foregoing article should be grave, the delinquent shall suffer the penalty of *prisión correccional* in its minimum and medium degrees and a fine of from 375 to 3,750 pesetas.

If they should be less grave, the penalty shall be that of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree and a fine of from 325 to 3,250 pesetas.

ART. 264. Provocation to fight a duel, even though dissembled or having an appearance of privacy, shall be considered a grave threat for the purposes of the foregoing.

ART. 265. Those who, while a minister of the Crown or an authority is in the exercise of his functions or on the occasion thereof, shall calumniate, outrage, or insult him by deed or word, outside his presence, or in a writing not addressed to him, shall be punished with the penalty of *arresto mayor*.

ART. 266. The penalty of *arresto mayor* shall also be imposed on those who outrage, insult, or threaten, by act or word, public officials or agents of the authorities, in their presence or in a writing addressed to them.

CHAPTER VI.

PUBLIC DISORDERS.

ART. 267. Those who shall raise a tumult or grossly disturb order at the hearing of a superior or inferior court at the public acts pertaining to any public authority or corporation at any electoral college, offices, or public institutions, at public spectacles or solemnities, or a large meeting, shall be punished with the penalties of *arresto mayor* in its medium degree to *prisión correccional* in its minimum degree and a fine of from 375 to 3,750 pesetas.

Those who shall cause a tumult or grossly disturb order on farms or plantations by refusing to work or by disobeying or resisting the persons in charge of their direction or management shall incur the same penalties.

ART. 268. Those who shall grossly disturb public order in order to offer an outrage or other wrong to any individual person shall incur the penalty of *arresto mayor*.

If the purpose of the offense were to prevent any person from exercising his political rights, the said penalty of *arresto mayor* in its maximum degree shall be imposed on the culprit.

ART. 269. The penalty of *arresto mayor* shall also be imposed, unless a higher penalty is applicable in accordance with other articles of this code, on those who shall raise cries provocative of rebellion or sedition at any meeting or association, or in any public place, or who shall show in the same places badges or banners which might directly provoke the disturbance of public order.

ART. 270. Those who shall extricate from jails or penal institutions any person detained therein, or who facilitate his escape, shall be punished with the penalty of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree, if they should employ violence, intimidation, or subornation for the purpose, and with the penalty of *arresto mayor* should they make use of other means.

If the escape of the prisoner should be effected outside of said institutions by means of surprising those charged with their conduction, the same penalties shall be applied in their minimum degree.

ART. 271. Those who shall place obstructions or damage railroad tracks, or obstruct or damage telegraph lines or intercept messages or correspondence, shall be punished with the penalty of *prisión correccional* in its minimum to its medium degree.

ART. 272. Upon those who destroy or injure pictures, statues, or any other public monument of usefulness or ornamentation shall be imposed the penalty of *arresto mayor* in its medium degree to *prisión correccional* in its minimum degree.

CHAPTER VII.

PROVISIONS COMMON TO THE THREE PRECEDING CHAPTERS.

ART. 273. For the purposes of the articles included in the three preceding chapters, a person who, by himself alone, or as a member of any corporation or tribunal, shall exercise special jurisdiction, shall be considered as an authority.

The officials of the Department of Public Prosecution (Ministerio Fiscal) shall also be considered authorities.

ART. 274. If the person committing any of the crimes specified in the three preceding chapters should be a civil or ecclesiastical authority, he shall be punished with the maximum of the respective penalty and with temporary absolute disqualification.

ART. 275. The ministers of a religion who, in the exercise of their calling, provoke the execution of any of the crimes included in the three preceding chapters, shall be punished with the penalty of banish-

ment, if their provocations were of no effect, and with that of *confinamiento mayor* if they did produce effect, unless a greater penalty is prescribed in other articles of this code for the crime committed.

TITLE IV.

FALSITIES AND FALSIFICATIONS.

CHAPTER I.

FALSIFICATION OF THE ROYAL SIGNATURE OR STAMP, THE SIGNATURE OF MINISTERS, SEALS, AND MARKS.

SECTION I.—*Falsification of the royal signature or stamp and the signature of ministers.*

ART. 276. He who shall counterfeit the stamp of the King or of the Regent of the Kingdom, or the signatures of the ministers of the Crown, shall be punished with the penalty of *cadena temporal.*

ART. 277. He who shall counterfeit the signature or stamp of the head of a foreign power, or the signature of his ministers, shall be punished with the penalty of *presidio mayor* if the culprit should have made use in Spanish territory of the counterfeited signature or stamp, and with that of *presidio correccional* in its medium to its maximum degree if he should have made use of them outside of said territory.

ART. 278. He who should knowingly make use of a counterfeited signature or stamp of the classes referred to in the preceding article, shall incur the penalty next lower in degree than that prescribed therein for the counterfeiters thereof.

SECTION II.—*Falsification of seals and marks.*

ART. 279. He who shall counterfeit the great seal of the State shall be punished with the penalty of *cadena temporal.*

He who should knowingly make use of the counterfeit seal of the State shall be punished with the penalty next lower in degree than that prescribed in the preceding paragraph.

ART. 280. He who shall counterfeit the seal of the State of a foreign power, and make use of it in Spanish territory, shall be punished with the penalty of *presidio mayor*, and with that of *presidio correccional* in its medium to its maximum degree, if he should have made use of it outside of the said territory.

ART. 281. He who, knowing of the falsity of the seals referred to in the two preceding articles, but without having participated in their falsification, should avail himself of or use them, shall be punished with the penalty next lower in degree than that prescribed in the said articles for the counterfeiters.

ART. 282. The counterfeiting of marks and seals of inspectors of weights and measures shall be punished with the penalties of *presidio mayor* and a fine of from 625 to 6,250 pesetas.

ART. 283. Those who knowingly expose for sale objects of gold or silver marked with false stamps of assay shall be punished with the penalty prescribed in the preceding article.

ART. 284. The counterfeiting of the seals used by any authority, tribunal, official corporation, or public office shall be punished with the penalty of *presidio correccional* in its minimum and medium degrees and a fine of from 375 to 3,750 pesetas.

The mere use of seals of this kind with knowledge of their falsity shall be punished with the same penalties, if gain to the prejudice of the public funds were intended; otherwise, the penalty next lower in degree shall be imposed on the culprit.

ART. 285. The falsification of the seals, marks, and countersigns which are employed in the offices of the State in order to identify some object or to insure the payment of taxes, shall be punished with the penalties of *presidio correccional* in its minimum and medium degrees and a fine of from 375 to 3,750 pesetas.

ART. 286. If the falsifications referred to in the two preceding articles should have been accomplished without the employment of stamps or dies or other mechanical instruments used in counterfeiting, the penalty next lower in degree than those prescribed for such crimes shall be imposed on the culprit.

ART. 287. The falsification of seals, marks, tickets, or countersigns which industrial or commercial establishments make use of, shall be punished with the penalties of *presidio correccional* in its minimum and medium degrees.

ART. 288. He who shall place on sale objects of commerce, substituting for the mark or name of the real manufacturer the mark or name of a fictitious one, shall be punished with the penalty of *arresto mayor* and a fine of from 325 to 3,250 pesetas.

ART. 289. He who removes from any seal, ticket, or countersign the mark or sign that indicates that it had already been used or was useless for the object of its issue, shall also incur the penalty of *arresto mayor* and a fine of from 325 to 3,250 pesetas.

He who knowingly makes use of such class of seals or countersigns shall incur a fine of from 325 to 3,250 pesetas.

CHAPTER II.

COUNTERFEITING OF MONEY.

ART. 290. Whosoever shall make counterfeit money, of a value less than the legitimate, by imitating gold or silver coins lawfully current in the Kingdom, shall be punished with the penalties of *cadena temporal* in its medium degree to *cadena perpetua*, and a fine of from 625 to 6,250 pesetas, if the counterfeit money were of copper.

ART. 291. He who shall clip lawful coins shall be punished with the penalties of *presidio mayor* and a fine of from 625 to 6,250 pesetas if the money were of gold or silver, and with that of *presidio correccional* in its minimum and medium degrees and a fine of from 325 to 3,250, pesetas if it were of copper.

ART. 292. He who shall make counterfeit money of the value of the genuine by imitating money that is lawfully current in the Kingdom, shall be punished with the penalties of *presidio correccional* in its medium and maximum degrees and a fine of from 625 to 6,250 pesetas.

ART. 293. He who shall make counterfeit money by imitating money that is not lawfully current in the Kingdom shall be punished with the penalties of *presidio correccional* in its medium and maximum degrees and a fine of from 325 to 3,250 pesetas.

ART. 294. He who shall clip lawful money that is not lawfully current in the Kingdom shall be punished with the penalties of *presidio correccional* in its minimum and medium degrees and a fine of from 625 to 6,250 pesetas.

ART. 295. The penalties prescribed in the two foregoing articles shall be imposed in their respective cases on those who shall introduce counterfeit money into the islands of Cuba and Porto Rico.

Those who circulate counterfeit money shall also be punished with the same penalties when connivance exists between them and the makers thereof or those who introduce it.

ART. 296. Those who, without the connivance referred to in the preceding article, shall pass counterfeit or clipped money which, with knowledge of its character, they had acquired for the purpose of circulating it, shall be punished with the penalties of *presidio correccional* in its medium and maximum degrees and a fine of from 325 to 3,250 pesetas.

ART. 297. He who, having received counterfeit money in good faith should issue it after knowing its falsity, shall be punished, if the amount spent exceed 325 pesetas, with a fine of from an amount equal to up to one three times that of the genuine money.

ART. 298. Those in whose possession counterfeit money shall be found which, from its amount and character, may reasonably allow

the inference that it was intended for circulation, shall be punished as guilty of an attempt to commit the crimes of circulating counterfeit money.

CHAPTER III.

FALSIFICATION OF BANK NOTES, INSTRUMENTS OF CREDIT, STAMPED PAPER, POSTAGE STAMPS, AND OTHER STAMPED ARTICLES WHOSE SALE IS RESERVED TO THE STATE.

ART. 299. Those who shall falsify bank notes or other instruments payable to the bearer, or their coupons, whose issue may have been authorized by the law of the Kingdom, or those who shall introduce them into the islands of Cuba and Porto Rico, shall be punished with the penalties of *cadena temporal* in its medium degree to *cadena perpetua* and a fine of from 6,250 to 62,500 pesetas.

The same penalty shall be imposed upon those who shall circulate them in connivance with the counterfeiter or introducer thereof.

ART. 300. Those who, without being in relation with the counterfeiters or introducers thereof, shall acquire, for the purpose of circulation, bank notes or other instruments payable to bearer, and their coupons, knowing that they are false, shall be punished with the penalty of *cadena temporal.*

ART. 301. Those who shall, in the islands of Cuba and Porto Rico, falsify bank notes or any other class of instruments payable to bearer, or their coupons, whose issue is authorized by a law of a foreign country, or by a provision that has there the same force as law, shall also be punished with the penalty of *cadena temporal.*

Those who, in complicity with the counterfeiters, shall introduce them shall incur the same penalty.

ART. 302. Those who, having in good faith acquired bank notes or other instruments payable to bearer, or their coupons, included in articles 299 and 301, and shall pass them knowing of their falsity, shall be punished with the penalties of *presidio correccional* in its medium and maximum degrees and a fine of from 625 to 6,250 pesetas.

ART. 303. Those who shall counterfeit or introduce into the islands of Cuba or Porto Rico bonds payable to order, or other documents of credit not to bearer, whose issue is authorized by virtue of a law, shall be punished with the penalties of *cadena temporal* and a fine of from 6,250 to 62,500 pesetas.

ART. 304. Those who shall counterfeit securities payable to order, or any other class of instruments of credit not to bearer, whose issue is authorized by a law of a foreign country, or by a provision that has there the same force as a law, shall be punished with the penalty of *presidio mayor* in its medium degree to *cadena temporal* in its minimum degree.

ART. 305. He who knowingly shall negotiate or make profit in any other manner, to the prejudice of a third person, of a counterfeit security of those included in the preceding articles, shall incur the penalties of *presidio correccional* in its medium and minimum degrees and a fine of from 375 to 3,750 pesetas.

ART. 306. He who shall present in any judicial proceedings any security payable to the bearer, or its coupons, knowing their falsity, shall incur the penalties of *presidio correccional* in its medium and minimum degrees and a fine of from 325 to 3,250 pesetas.

ART. 307. He who shall counterfeit stamped paper, telegraph or postage stamps, or any other class of stamped articles whose sale is reserved to the State, shall be punished with the penalty of *presidio mayor*.

The same penalty shall be imposed on those who introduce the same into the territory of Cuba or Porto Rico, or on those who circulate them in connivance with the counterfeiters or introducers thereof.

ART. 308. Those who, without being in connivance with the counterfeiters or introducers thereof, shall knowingly acquire false paper, stamps, or articles of the kind mentioned in the preceding article, in order to circulate them, shall be punished with the penalty of *presidio correccional* in its minimum and medium degrees and a fine of from 375 to 3,750 pesetas.

ART. 309. Those who, having in good faith acquired public securities of the character mentioned in the foregoing article shall circulate them, knowing their falsity, shall incur the penalty of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree.

Those who merely use them, having knowledge of their falsity, shall incur a fine of from five to ten times the value of the genuine paper or securities they may have used.

CHAPTER IV.

FALSIFICATION OF DOCUMENTS.

SECTION I.—*Falsification of official and commercial documents and telegraphic dispatches.*

ART. 310. The penalties of *cadena temporal* and a fine of from 1,250 to 12,500 pesetas shall be imposed on a public official who, taking advantage of his authority, shall commit a falsification—

1. By counterfeiting or feigning any writing, signature, or rubric.
2. By including in any act the participation of persons who had no such participation.
3. By attributing to those who were present thereat declarations or statements different from those which they made.

4. By falsifying the truth in a narration of facts.

5. By altering true dates.

6. By making in a genuine document any alteration or interlineation altering its meaning.

7. By giving out an authentic copy of a fictitious document, or by stating therein a contrary or different thing from that contained in the genuine original.

8. By intercalating any instrument in a protocol, register, or official book.

An ecclesiastical minister who shall commit any of the offenses included in the foregoing numbers, with regard to acts or documents which might affect the civil status of persons, shall incur the penalty prescribed in the first paragraph of this article.

ART. 311. An individual who shall commit any of the falsifications specified in the preceding article in public or official documents or in bills of exchange, or any other class of commercial paper, shall be punished with the penalties of *presidio mayor* and a fine of from 1,250 to 12,500 pesetas.

ART. 312. He who shall knowingly present in judicial proceedings or should use with intent of gain a false document of the kind mentioned in the foregoing articles, shall be punished with the penalty lower by two degrees than that prescribed for the falsifiers.

ART. 313. A public official in charge of the telegraph service who shall invent or falsify a telegraphic message shall incur the penalty of *prisión correccional* in its medium and maximum degrees.

He who shall make use of the false message with intent of gain or desire to prejudice another shall be punished as the principal in the falsification.

SECTION II.—*Falsification of private documents.*

ART. 314. He who, to the prejudice of a third person or with intent of causing it, shall, in a private document, commit any of the falsifica tions specified in article 310, shall be punished with the penalties of *presidio correccional* in its minimum and medium degrees and a fine of from 625 to 6,250 pesetas.

ART. 315. He who, without having taken part in the falsification, should present in judicial proceedings or shall use with intent of gain or to the prejudice of a third person, knowingly, a false document of those included in the preceding article, shall incur the penalty lower bv one degree than that prescribed for the falsifiers.

SECTION III.—*Falsification of passports, cédulas of residence, and certificates.*

ART. 316. A public official who, taking advantage of his office, shall issue a passport or a *cédula* of residence under a fictitious name, or

shall give it in blank, shall be punished with the penalties of *prisión correccional* in its minimum and medium degrees, and temporary special disqualification.

ART. 317. He who shall make a false passport or *cédula* of residence shall be punished with the penalty of *arresto mayor* in its maximum degree, to *prisión correccional* in its minimum degree, and a fine of 325 to 3,250 pesetas.

The same penalties shall be imposed on the person who, in a genuine passport or *cédula* of residence, shall change the name of the person in whose favor it may have been issued, or of the authority which issued it, or who shall alter it in any other essential particular.

ART. 318. He who shall make use of the passport or *cédula* of residence referred to in the preceding article shall be punished with a fine of from 325 to 3,250 pesetas.

Those who shall make use of a genuine passport or *cédula* of residence issued in favor of another person shall incur the same penalty.

ART. 319. The physician who shall deliver a false certificate of illness or physical injury, for the purpose of exempting a person from any public service, shall be punished with the penalties of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree and a fine of from 325 to 3,250 pesetas.

ART. 320. A public official who shall issue a false certificate of merit or service, of good conduct, of poverty, or of other similar circumstances shall be punished with the penalties of suspension in its medium and maximum degrees and a fine of from 325 to 3,250 pesetas.

ART. 321. An individual who shall falsify a certificate of the kinds mentioned in the preceding articles shall be punished with the penalty of *arresto mayor*.

This provision is applicable to the person who shall make use of such false certificate knowingly.

CHAPTER V.

PROVISIONS APPLICABLE TO THE FOUR PRECEDING CHAPTERS.

ART. 322. He who shall manufacture or introduce dies, seals, marks, or any other kind of tools or instruments whatsoever knowingly destined to the falsifications referred to in the preceding chapters of this title, shall be punished with the same pecuniary penalties and with the personal penalties next lower in degree than those respectively prescribed for falsifiers.

ART. 323. He who shall have in his possession any of the tools or instruments referred to in the preceding article, and should not give a satisfactory explanation as to their acquisition or preservation, shall be punished with the same pecuniary penalties and the personal pen-

alties lower by two degrees than those corresponding to the falsification for which they are proper.

ART. 324. The official who, in order to execute any falsification to the prejudice of the State, of a corporation, or of an individual, in whose service he may be, shall make use of legitimate tools or instruments intrusted to him, shall incur the same pecuniary and personal penalties that correspond to the falsification committed, being imposed upon him in their maximum degree; and he shall furthermore incur a penalty of from temporary absolute disqualification in its maximum degree to perpetual absolute disqualification.

ART. 325. Those who without being included in the preceding article shall take possession of the legitimate tools or instruments mentioned in the same, and shall make use of them to execute any falsification to the prejudice of the State, corporation, or individual to whom they belong, shall incur the same pecuniary penalties and the personal penalties next lower in degree that correspond to the falsification committed.

ART. 326. If the profit which those guilty of the falsification punished in this title may have derived, or which they proposed to gain, can be estimated, there shall be imposed upon them a fine of an amount equal up to three times that of such profit, unless the maximum thereof were less than the minimum penalty prescribed for the crime, in which case the latter shall be applied.

CHAPTER VI.

FRAUDULENT CONCEALMENT OF PROPERTY OR INDUSTRY, FALSE TESTIMONY,[1] AND FALSE ACCUSATION AND DENUNCIATION.

ART. 327. He who, upon being questioned by the competent administrative official, shall conceal all or part of his property, or the trade or industry in which he is engaged, for the purpose of eluding thereby the payment of the taxes that ought to be paid upon the former or for the latter, shall incur a fine of an amount equal to up to five times the value of the taxes which he ought to have paid, but in no case shall it be less than 325 pesetas.

ART. 328. He who, in a criminal cause, shall give false testimony against the accused shall be punished:

1. With the penalty of *cadena temporal* in its maximum degree to *cadena perpetua*, if the accused should have been in such cause sentenced to the penalty of death, and it should have been carried out.

2. With the penalty of *cadena temporal*, if the accused should have been condemned in the cause to *cadena perpetua* and should have begun to undergo said penalty.

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[1]See Order No. 116, Headquarters Division of Cuba, March 17, 1900, page 138.

3. With the penalty of *presidio mayor*, if the accused should have been condemned in the cause to *cadena perpetua* and should not have begun to undergo the same.

4. With the penalty of *presidio correccional*, in its maximum degree to that of *presidio mayor* in its medium degree, if the accused should have been condemned in the cause to suffer any other corporal punishment and should have begun to undergo the same.

5. With the penalty of *presidio correccional* in its medium degree to *presidio mayor* in its minimum degree, if the accused should have been condemned in the cause to any other corporal penalty and should not have begun to undergo the same.

6. With the penalties of *presidio correccional* in its medium and maximum degrees and a fine of from 625 to 6,250 pesetas, if the accused should have been sentenced in the cause to a correctional penalty and should have begun to undergo the same.

7. With the penalties of *presidio correccional* in its minimum and medium degrees and a fine of from 375 to 3,750 pesetas, if the accused should have been sentenced in the cause to a correctional penalty and should not have begun to undergo the same.

8. With the penalties of *arresto mayor* in its maximum degree to *presidio correccional* in its minimum degree and a fine of from 325 to 3,250 pesetas, if the accused should have been condemned to a light penalty and should have begun to undergo the same.

9. With the penalties of *arresto mayor* and a fine of from 325 to 3,250 pesetas, if the accused should have been condemned to suffer a light penalty and should not have begun to undergo the same.

ART. 329. He who, in a criminal cause, shall give false testimony in favor of the accused shall be punished with the penalties of *arresto mayor* in its maximum degree to *prisión correccional* in its medium degree and a fine of from 375 to 3,750 pesetas, if the cause were for a crime; and with that of *arresto mayor* if it were for a misdemeanor.

ART. 330. The penalty of *arresto mayor* in its minimum and medium degrees shall be imposed on the person who, in a criminal cause for a crime, shall give false testimony that neither prejudices nor favors the accused.

ART. 331. False testimony given in a civil cause shall be punished with the penalty of *arresto mayor* in its maximum degree to *presidio correccional* in its medium degree and a fine of from 625 to 6,250 pesetas.

If the amount of the claim should not exceed 625 pesetas, the penalties shall be those of *arresto mayor* and a fine of from 625 to 6,250 pesetas.

ART. 332. The penalties of the preceding articles are applicable in their maximum degree to the experts who testify falsely in judicial proceedings.

ART. 333. Whenever the false statement of the witness or expert shall have been given on account of subornation, the penalties shall be those next higher in degree to those respectively fixed in the preceding articles, there being imposed furthermore a fine of an amount equal up to three times that promised or the value of the gift.

The latter shall be confiscated should it have been delivered to the person suborned.

ART. 334. When the witness or expert without essentially perverting the truth shall distort it by his reticence or inexact statements the penalties shall be:

1. A fine of from 375 to 3,750 pesetas should such falsification take place in a criminal cause; and

2. From 325 to 3,250 pesetas if it should take place in a cause of a misdemeanor or in a civil action.

ART. 335. He who shall knowingly offer perjured witnesses or false documents in a judicial proceeding shall be punished as guilty of false testimony.

ART. 336. The crime of false accusation or denunciation is committed by falsely imputing to any person acts which, if they were true, would constitute a crime that would give rise to proceedings ex officio, if the imputation were made before an administrative or judicial official who would be obliged to proceed to its investigation or punishment by reason of his office.

The denouncer or accuser, however, shall not be proceeded against unless by virtue of a final sentence or writ, equally final, of the court which took cognizance of the crime imputed, dismissing the complaint.

The latter shall proceed ex officio against the denouncer or accuser, provided that the principal cause should show sufficient grounds for instituting a new action.

ART. 337. A person guilty of false accusation or denunciation shall be punished with the penalty of *presidio correccional* in its medium and maximum degrees, if the crime imputed were grave; with that of *prisión correccional* in its minimum and medium degrees, if the crime imputed were "less grave;" with that of *arresto mayor*, if the imputation should have been a misdemeanor; and with the additional imposition in each case of a fine of from 625 to 6,250 pesetas.

CHAPTER VII.

USURPATION OF OFFICE, RANK, AND TITLES, AND IMPROPER USE OF NAMES, DRESS, INSIGNIA, AND DECORATIONS.

ART. 338. He who, without warrant or legitimate cause, shall exercise acts pertaining to an authority or public official, attributing to himself an official character, shall be punished with the penalty of *prisión correccional* in its minimum and medium degrees.

ART. 339. He who, attributing to himself the rank of professor, shall publicly perform acts belonging to a faculty, which can not be filled without an official title, shall incur the penalty of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree.

ART. 340. He who shall usurp the character which would enable him to exercise the functions belonging to ministers of a religion that has adherents in the land, or should perform said functions, shall incur the penalty of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree.

ART. 341. He who shall assume and publicly attribute to himself titles of nobility that do not belong to him shall incur a fine of from 625 to 6,250 pesetas.

ART. 342.[1] He who shall publicly use an assumed name shall incur the penalties of *arresto mayor* in its minimum and medium degrees and a fine of from 325 to 3,250 pesetas.

If the purpose of the use of the assumed name were the concealment of any crime, the evasion of a penalty, or the causing of any prejudice to the State or to individuals, there shall be imposed on the culprit the penalties of *arresto mayor* in its medium and maximum degrees and a fine of from 375 to 3,750 pesetas.

Notwithstanding the provisions of this article, the use of an assumed name may be temporarily authorized by the superior administrative authority for sufficient cause.

ART. 343. The public official who, in the duties belonging to his office, shall attribute to any person, in connivance with him, titles of nobility, or a name that does not belong to him, shall incur a fine of from 375 to 3,750 pesetas.

ART. 344. He who shall publicly and unlawfully wear a uniform or dress belonging to an office which he does not hold, or of a class to which he does not belong, or of a rank not his own, or insignia or decorations that he is not authorized to wear, shall be punished with the penalty of a fine of from 325 to 3,250 pesetas.

TITLE V.

VIOLATION OF THE LAWS RELATING TO INTERMENTS, VIOLATION OF SEPULCHERS, AND OFFENSES AGAINST PUBLIC HEALTH.

CHAPTER I.

VIOLATION OF LAWS RELATING TO INTERMENT AND VIOLATION OF SEPULCHERS.

ART. 345. He who shall conduct or cause to be conducted an interment in contravention to the provisions of the laws or regulations with regard to the time, place, and other formalities prescribed for

[1] See Order No. 150, Headquarters Division of Cuba, April 10, 1900, page 139.

ART. 358. The judge who shall knowingly pass an unjust sentence upon a guilty person, if it should not have been put into execution, shall be punished with the penalty next lower in degree than that which he had imposed by such unjust sentence, if the crime were a grave crime, and with that next lower by two degrees than the sentence imposed if the crime were less grave.

In all the cases of this article there shall also be imposed on the culprit the penalty of temporary special disqualification in its maximum degree to perpetual special disqualification.

ART. 359. If the unjust sentence should be knowingly passed upon acriminal in a trial for a misdemeanor, the penalties shall be those of *arresto mayor* and temporary special disqualification in its maximum degree to perpetual special disqualification.

ART. 360. The judge who in a criminal prosecution shall knowingly pronounce an unjust sentence in favor of a criminal, shall incur the penalty of *prisión correccional* in its minimum and medium degrees and temporary special disqualification in its maximum degree to perpetual special disqualification if the cause were for a grave crime, and that of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree and the same disqualification, if the prosecution were for a less grave crime, and that of *arresto mayor* in its minimum degree and suspension, if the prosecution were for a misdemeanor.

ART. 361. The judge who shall knowingly render an unjust judgment in a civil cause shall incur the penalties of *arresto mayor* in its medium degree to *prisión correccional* in its minimum degree, and temporary special disqualification in its maximum degree to perpetual special disqualification.

ART. 362. The judge who, on account of inexcusable negligence or ignorance, shall render judgment or pass sentence in a civil or criminal case that is manifestly unjust, shall incur the penalty of temporary special disqualification in its maximum degree to perpetual special disqualification.

ART. 363. The judge who shall knowingly pronounce an unjust interlocutory decree shall incur the penalty of suspension.

ART. 364. The judge who shall refuse to pass upon a cause, under pretext of obscurity, insufficiency, or silence of the law, shall be punished with the penalty of suspension.

The judge guilty of malicious delay in the administration of justice shall incur the same penalty.

ART. 365. The public official who shall knowingly render or advise an unjust interlocutory decree or decision of administrative litigation or in a matter merely administrative, shall incur the penalty of temporary special disqualification in its maximum degree up to perpetual special disqualification.

The public official who shall render or advise, through inexcusable negligence or ignorance, a manifestly unjust interlocutory decree or decision in a matter of administrative litigation, or merely administrative, shall be punished with the same penalty.

ART. 366. The public official who, neglecting the duties of his office, shall maliciously fail to move the prosecution and punishment of delinquents shall incur the penalty of temporary special disqualification in its maximum degree to perpetual special disqualification.

ART. 367. The attorney or solicitor who, in malicious abuse of his profession or through inexcusable negligence or ignorance, shall prejudice his client or disclose his secrets of which he had gained knowledge in the course of his professional duties shall be punished with a fine of from 625 to 6,250 pesetas.

ART. 368. The attorney or solicitor who, having been retained to defend the cause of one party, shall subsequently, without his consent, defend the opposite side in the same action or give counsel to the same, shall be punished with the penalties of temporary special disqualification and a fine of from 325 to 3,250 pesetas.

CHAPTER II.

FAITHLESSNESS IN THE CUSTODY OF PRISONERS.

ART. 369. The public official guilty of connivance in the escape of a prisoner whose conveyance and custody may have been intrusted to him shall be punished—

1. In case the fugitive should have been finally sentenced to undergo any penalty, with that lower than the same by two degrees and that of temporary special disqualification in its maximum degree to perpetual special disqualification.

2. With the penalty lower by three degrees than that prescribed by law for the crime for which the fugitive was being tried, should he not as yet have been finally condemned, and with that of temporary special disqualification.

ART. 370. The individual who, being in charge of the conveyance or custody of a prisoner or person under arrest, shall commit any of the crimes mentioned in the preceding article, shall be punished with the penalties next lower in degree than those prescribed for public officials.

CHAPTER III.

FAITHLESSNESS IN THE CUSTODY OF DOCUMENTS.

ART. 371. The public official who shall steal, destroy, or hide documents or papers entrusted to him by virtue of his office, shall be punished:

1. With the penalties of *prisión mayor* and a fine of from 625 to 6,250 pesetas, provided that a grave injury to a third person or the public interests has resulted from his action.

2. With *prisión correccional* in its minimum and medium degrees and a fine of from 325 to 3,250 pesetas, if the injury to the third person or to the public interests were not grave.

In either case there shall furthermore be imposed the penalty of temporary special disqualification in its maximum degree to perpetual special disqualification.

ART. 372. The public official who, having charge of the custody of papers or effects sealed by the authorities, should break the seals, or consent that they be broken, shall be punished with the penalties of *prisión correccional* in its minimum and medium degrees, temporary special disqualification in its maximum degree to perpetual special disqualification, and a fine of from 625 to 6,250 pesetas.

ART. 373. The public official who, not being included in the foregoing article, should open, or consent to the opening, without proper authorization, of closed papers or documents whose custody may have been entrusted to him, shall incur the penalties of *arresto mayor*, temporary special disqualification, and a fine of from 325 to 3,250 pesetas.

The penalties prescribed in the three preceding articles are also applicable to ecclesiastics and to individuals entrusted temporarily with the transmission or custody of documents or papers, by commission of the government or of officials to whom they may have been entrusted by virtue of their office.

CHAPTER IV.

VIOLATION OF SECRETS.

ART. 374. A public official who shall reveal the secrets of which he may have knowledge by virtue of his office, or who shall wrongfully deliver papers or copies of papers which he may have in his charge and that should not be made public, shall incur the penalties of suspension in its minimum and medium degrees and a fine of 325 to 3,250 pesetas.

If serious injury to the public interest should be caused by the revelation or the delivery of the papers, the penalties shall be temporary special disqualification in its maximum degree to perpetual special disqualification and *prisión correccional* in its medium and maximum degrees.

ART. 375. A public official who, by virtue of his office, knows the secrets of an individual and reveals them, shall incur the penalties of suspension, *arresto mayor*, and a fine of from 325 to 3,250 pesetas.

CHAPTER V.

DISOBEDIENCE AND REFUSAL OF COOPERATION.

ART. 376. The judicial or administrative officials who shall openly refuse to duly fulfill the sentences, decisions, or orders of a superior authority, issued within the limits of its respective competency, and vested with the legal formalities, shall incur the penalties of temporary special disqualification and a fine of from 375 to 3,750 pesetas.

Notwithstanding the provisions of the preceding paragraph, public officials shall not incur criminal liability for not enforcing an administrative order constituting a manifest, clear, and definite violation of a constitutional precept.

Neither shall public officials exercising authority incur criminal liability who do not enforce an order of the same character wherein any other law is manifestly, clearly, and definitely violated.

ART. 377. The official who may, for any reason whatsoever (not, however, one of those specified in the second paragraph of the preceding article), should have suspended the execution of the orders of his superiors, and should disobey after the former may have disapproved such suspension, shall suffer the penalty of perpetual special disqualification and *prisión correccional* in its minimum and medium degrees.

ART. 378. The public official who, upon the request of the competent authority, does not furnish him the proper cooperation in the administration of justice or other public service, shall incur the penalty of suspension in its minimum and medium degrees, and a fine of from 325 to 3,250 pesetas.

If grave injury to the public interest or to a third person should result from such omission, the penalties shall be those of perpetual special disqualification and a fine of from 375 to 3,750 pesetas.

ART. 379. He who shall refuse or decline to occupy an elective public office without presenting a legal excuse to the proper authority, or after the excuse shall have been rejected, shall incur a fine of from 375 to 3,750 pesetas.

The same penalty shall be incurred by any juror who shall wilfully fail to perform his duties without an accepted excuse; and the expert and the witness who likewise deliberately fail to appear before a court to give their testimony when they have been duly cited to do so.

CHAPTER VI.

ANTICIPATION, PROLONGATION, AND ABANDONMENT OF PUBLIC DUTIES.

ART. 380. He who shall enter upon the performance of a public employment or office without having taken the oath in due form or

given the bond required by law, shall be suspended from said employment or office until he complies with the respective formalities, and shall incur a fine of from 325 to 3,250 pesetas.

ART. 381. The public official who shall continue in the exercise of his employment, office, or commission after he must cease therein in accordance with the laws or regulations or special provisions relating thereto, shall be punished with the penalties of temporary special disqualification in its minimum degree and a fine of from 325 to 3,250 pesetas.

ART. 382. The public official guilty of any of the offenses punished in the two preceding articles who should have received any fees or emoluments by reason of his office or commission before he was qualified to exercise them or after he should have discontinued therein shall be furthermore condemned to restore such sums, with a fine of from 10 to 50 per cent of their amount.

ART. 383. The public official who shall abandon his employment without his resignation having been accepted, to the injury of the public interests, shall be punished with the penalty of suspension in its medium and maximum degrees.

If the abandonment of such employment were made in order not to hinder, prosecute, or punish any of the crimes included in titles 1 and 2 of Book II of this code, there shall be imposed upon the culprit the penalty of *prisión correccional* in its minimum to its medium degree, and that of *arresto mayor* if his purpose were not to prevent, prosecute, or punish any other kind of crime.

CHAPTER VII.

USURPATION OF PREROGATIVES AND ILLEGAL APPOINTMENTS TO OFFICE.

ART. 384. The public official who shall infringe upon the prerogatives of the legislative power, either by prescribing regulations or general provisions in excess of his powers or by annulling or suspending the execution of a law, shall incur the penalty of temporary special disqualification and a fine of from 375 to 3,750 pesetas.

ART. 385. The judge who shall arrogate to himself prerogatives belonging to the administrative authorities, or shall prevent the latter from lawfully exercising their own, shall be punished with the penalty of suspension.

The same penalty shall be incurred by every official of the administrative branch of the Government who shall arrogate to himself judicial prerogatives or prevent the execution of an interlocutory decree or decision rendered by a competent judge.

ART. 386. The public official who, being legally warned by writ of inhibition, should continue to act before the question of jurisdiction

has been decided, shall be punished with a fine of from 325 to 3,250 pesetas.

ART. 387. The administrative or military official who shall give orders or intimations to a judicial authority relating to causes or questions in controversy whose cognizance or decision is of the exclusive competency of courts of justice, shall incur the penalties of suspension in its minimum and medium degrees and a fine of from 625 to 6,250 pesetas.

ART. 388. The ecclesiastic who, when requested by the competent court, shall refuse to forward to the same the files requested for the decision of an appeal made to the civil jurisdiction from a decision rendered by an ecclesiastical court, shall be punished with the penalty of temporary special disqualfication.

A second offense shall be punished with that of perpetual special disqualification.

ART. 389. The public official who knowingly shall recommend or nominate for public office a person who does not have the legal qualifications, shall be punished with the penalty of suspension and a fine of from 325 to 3,250 pesetas.

CHAPTER VIII.

ABUSES AGAINST CHASTITY.

ART. 390. The public official who shall solicit a woman who has applications before him awaiting his decision, or on which he has to make a report or consult his superior, shall be punished with the penalty of temporary special disqualification.

ART. 391. The warden of the prison who shall solicit a woman in his custody shall be punished with the penalty of *prisión correccional* in its medium and maximum degrees.

If the person solicited were the wife, daughter, sister, or a relation by affinity within the same degrees of a person whom he had under his charge, the penalty shall be *prisión correccional* in its minimum to its medium degree.

In every case he shall in addition incur the penalty of temporary special disqualification in its maximum degree to perpetual special disqualification.

CHAPTER IX.

BRIBERY.

ART. 392. The public official who shall receive, directly or through an intermediary, a gift or present, or who shall accept offers or promises for his committing, in the discharge of his office, an act consti-

tuting a crime, shall be punished with the penalties of *prisión correccional* in its minimum to its medium degree and a fine of from an amount equal up to one three times the value of the gift, without prejudice to the imposition of the penalty pertaining to the crime committed in consideration of the gift or promise, should it have been executed.

ART. 393. The public official who shall receive, directly or through an intermediary, any gift or present, or who shall accept any offer or promise for the execution of an unjust act relating to the discharge of his office, not constituting a crime, and who shall execute it, shall incur the penalty of *presidio correccional* in its minimum and medium degrees and a fine of an amount equal up to one three times the value of the gift. If the unjust act was not actually executed, the penalties of *arresto mayor* in its maximum degree to *presidio correccional* in its minimum degree shall be imposed and a fine of an amount equal up to one double the value of the gift.

ART. 394. When the purpose of the gift received or promised were that the public official should abstain from performing an act which he should perform in the exercise of the duties of his office, the penalties shall be those of *arresto mayor* in its medium to its maximum degree and a fine of an amount equal up to one three times the value thereof.

ART. 395. The provisions of the three preceding articles shall be applicable to jurors, arbiters, arbitrators, experts, mediators (hombres buenos), or any persons whatsoever filling a public office.

ART. 396. The persons criminally liable for the crimes mentioned in the foregoing articles shall incur, in addition to the penalties prescribed therein, that of temporary special disqualification.

ART. 397. The public official who shall accept presents given him in consideration of his official position shall be punished with suspension in its minimum and medium degrees and public censure.

ART. 398.[1] Those who shall corrupt public officials with gifts, presents, offers, or promises, shall be punished with the same penalties as those imposed on the officers suborned, excepting that of disqualification.

ART. 399. If the bribe should be offered in a criminal cause in favor of the criminal, by his spouse or of any ascendant, descendant, brother, or relation by affinity within the same degrees, there shall only be imposed upon the culprit a fine equivalent to the value of the gift or promise.

ART. 400.[2] In every case the gifts or presents shall be confiscated.

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[1] See Order No. 112, Headquarters Division of Cuba, July 20, 1899, page 135.

[2] See Order No. 112, Headquarters Division of Cuba, July 20, 1899, page 135.

CHAPTER X.

MISAPPROPRIATION OF PUBLIC FUNDS.

ART. 401. The public official who, by reason of his duties, has in his charge public funds or property, and who should take or consent that others should take the same shall be punished:

1. With the penalty of *arresto mayor* in its maximum degree to *presidio correccional* in its minimum degree if the amount taken should not exceed 125 pesetas.

2. With that of *presidio correccional* in its medium and maximum degrees if it should have exceeded 125 and did not exceed 6,250 pesetas.

3. With that of *presidio mayor* if it exceeded 6,250 and did not exceed 125,000 pesetas.

4. With that of *cadena temporal* if it exceeded 125,000 pesetas.

In any case with that of temporary special disqualification in its maximum degree to perpetual absolute disqualification.

ART. 402. The public official who, through inexcusable abandonment or negligence, should enable the peculation of public funds or property, referred to in Nos. 2, 3, and 4 of the foregoing article, by another person, shall incur the penalty of a fine equivalent to the value of the money or property misappropriated.

ART. 403. The official who, to the detriment or hindrance of the public service, shall apply to his own or to foreign purposes the money or property placed under his charge, shall be punished with the penalties of temporary special disqualification and a fine of from 20 to 50 per cent of the amount diverted.

If restitution be not made the penalties prescribed in article 401 shall be imposed on him.

If such unlawful use of the funds were without detriment to or hindrance of the public service, he shall incur the penalties of suspension and a fine of from 5 to 25 per cent of the amount diverted.

ART. 404. The public official who shall give to the funds or property that he administers a public application different from that to which they were destined, shall incur the penalties of temporary disqualification and a fine of from 5 to 50 per cent of the amount diverted, if detriment to or hindrance of the public service to which they were assigned should result therefrom, and otherwise, that of suspension.

ART. 405. The public official who, as a holder of State funds, should be obliged to make a payment and should not do so, shall be punished with the penalties of suspension and a fine of from 5 to 25 per cent of the amount unpaid.

This provision is applicable to the public official who, when required

by order of the competent authority, should refuse to deliver anything placed under his custody or administration.

The fine shall in such case be graduated according to the value of the thing and shall not be less than 325 pesetas.

ART. 406. The provisions of this chapter are applicable to those who for any reason whatsoever have charge of funds, income, rents, or properties, provincial or municipal, or belonging to an educational or charitable institution, and to the administrators or depositaries of funds attached, sequestrated or deposited by a public authority, even though they belong to individuals.

CHAPTER XI.

FRAUDS AND ILLEGAL EXACTIONS.

ART. 407. The public official who, while taking part, by reason of his office, in any commission of supply, contracts, settlements or liquidations of public effects or funds, shall act therein in concert with the persons interested or speculators, or employ any other artifice to defraud the State, shall incur the penalties of *presidio correccional* in its medium and maximum degrees, and temporary special disqualification in its maximum degree to perpetual special disqualification.

ART. 408. The public official who shall become personally interested, directly or indirectly, in any kind of contract or transaction whatsoever in which he has to take part by reason of his office, shall be punished with the penalties of temporary special disqualification and a fine of from 10 to 50 per cent of the value of the interest which he may have had in the transaction.

This provision is applicable to experts, referees, and private accountants, with regard to the property or things in the appraisal, partition, or award of which they may have taken part; and to guardians of persons and property, and to executors with regard to those of their wards or testamentary beneficiaries.

ART. 409. The public official who shall directly or indirectly exact higher fees than those to which he is entitled by reason of his office, shall be punished with a fine of from double to four times the amount exacted.

A person habitually guilty of this offense shall, in addition, incur the penalty of temporary special disqualification.

ART. 410. The public official who, taking advantage of his office, shall commit any of the crimes specified in Chapter IV, Section II, Title XIII, of this book, shall incur in addition to the penalties prescribed therein that of temporary special disqualification in its maximum degree to perpetual special disqualification.

CHAPTER XII.

TRANSACTIONS FORBIDDEN PUBLIC EMPLOYEES.

ART. 411. The judges, officials of the department of public prosecution (ministerio fiscal), the military, administrative or financial heads of a province or district, with the exception of mayors, who, during the discharge of their office, shall directly or indirectly take part in exchange, trade, or gain transactions within the limits of their jurisdiction or command, with regard to objects not the product of their own property, shall be punished with the penalties of suspension and a fine of from 625 to 6,250 pesetas.

This provision is not applicable to those who shall invest their funds in the stock of a bank or any enterprise or company, provided they do not hold therein any office or exercise any direct intervention, either administrative or financial.

CHAPTER XIII.

GENERAL PROVISION.

ART. 412. For the purposes of this and of the preceding Titles of this book, every person shall be considered a public official who, by the immediate provisions of the law and by popular election or appointment by competent authority, takes part in the exercise of public functions.

TITLE VIII.

CRIMES AGAINST PERSONS.

CHAPTER I.

PARRICIDE.

ART. 413. He who shall kill his father, mother, or son, whether legitimate or illegitimate, or any other of his ascendants or descendants, or his spouse, shall be punished as a parricide, with the penalty of *cadena perpetua* to death.

CHAPTER II.

ASSASSINATION.

ART. 414. He who, without being included in the preceding article, shall kill any person, is guilty of assassination if the deed is attended by any of the following circumstances: (1) With treachery; (2) for

price or promise of reward; (3) by means of flood, fire, or poison; (4) with deliberate premeditation; (5) with vindictiveness, by deliberately and inhumanly increasing the suffering of the person attacked.

A person guilty of assassination shall be punished with the penalty of *cadena temporal* in its maximum degree to death.

ART. 415. The slave who shall kill his master or his master's spouse, or any of the ascendants or descendants of the same living in his household, with the attendance of any of the circumstances specified in the preceding article, shall be punished with the penalty of *cadena perpetua* to death.

The same penalty shall be imposed on the freedman who shall kill his patron, if any of the aforesaid circumstances are attendant

CHAPTER III.

HOMICIDE.

ART. 416. He is guilty of homicide who, not being covered by the provisions of article 413, shall kill another without the accompaniment of any of the attendant circumstances specified in article 414.

A person guilty of homicide shall be punished with *reclusión temporal.*

ART. 417. A slave who, without the attendance of the circumstances specified in article 414, shall kill his master or master's spouse, or any of the ascendants or descendants of the same living in his household, or the person charged by his master with his supervision, custody, or direction, shall be punished with the penalty of *reclusión temporal* in its medium degree to *reclusión perpetua.*

The homicide committed by a freedman upon the person of his patron shall be punished with the same penalty.

ART. 418. When several persons are struggling and fighting together confusedly and tumultuously, a death resulting therefrom, the author of which can not be ascertained but those who inflicted serious wounds are found, the latter shall be punished with the penalty of *prisión mayor.*

Should it not be proven who inflicted such serious wounds upon the person assaulted, there shall be imposed upon everybody who used violence against his person, that of *prisión correccional* in its medium and maximum degrees.

ART. 419. He who gives his assistance to another to commit suicide shall be punished with the penalty of *prisión mayor*; if his assistance should extend to the point of himself taking such person's life, he shall be punished with the penalty of *reclusión temporal.*

CHAPTER IV.

PROVISIONS COMMON TO THE THREE PRECEDING CHAPTERS.

ART. 420. The courts, taking into consideration the circumstances of the deed, may punish the frustrated crimes of parricide, assassination, and homicide with a penalty lower by one degree than that which ought to be applied according to article 64.

They may also reduce by one degree, according to the circumstances of the deed, the penalty applicable to an attempt, according to article 65.

ART. 421. The act of discharging a firearm at any person shall be punished with the penalty of *prisión correccional* in its minimum and medium degrees, if all the circumstances of the deed necessary to constitute a frustrated crime or attempt at parricide, assassination, homicide, or any other crime for which a higher penalty is prescribed by any of the articles of this code should not be attendant.

CHAPTER V.

INFANTICIDE.

ART. 422. The mother who, for the purpose of hiding her shame, shall kill her child before it has reached the age of three days, shall be punished with the penalty of *prisión correccional* in its medium and maximum degrees.

The father or mother of a woman who, in order to hide their daughter's shame, commit this crime, shall be punished with the penalty of *prisión mayor.*

With the exception of these cases, he who kills a newly born infant shall incur, according to the cases, the penalties prescribed for parricide or assassination.

CHAPTER VI.

ABORTION.

ART. 423. He who shall intentionally cause an abortion shall be punished:

1. With the penalty of *reclusión temporal*, if violence should have been used against the person of the pregnant woman.

2. With that of *prisión mayor* if, even though violence should not have been used, he acted without the consent of the woman.

3. With that of *prisión correccional* in its medium and maximum degrees, if the woman should consent thereto.

ART. 424. He who shall occasion a miscarriage by his violence, without the intention of causing it, shall be punished with *prisión correccional* in its minimum and medium degrees.

ART. 425. The woman who shall cause her own abortion, or consent to another person doing it, shall be punished with *prisión correccional* in its medium and maximum degrees.

If she should do so to hide her shame, she shall incur the penalty of *prisión correccional* in its minimum and medium degrees.

ART. 426. A physician who, by wrongful use of his skill, shall cause the abortion, or cooperate therein, shall respectively incur in their highest degrees the penalties prescribed in article 423.

The pharmacist who, without the proper doctor's prescription, shall sell a medicine for producing an abortion, shall incur the penalties of *arresto mayor* and a fine of from 325 to 3,250 pesetas.

CHAPTER VII.

PERSONAL INJURIES INFLICTED BY VIOLENCE (LESIONES).

ART. 427. He who shall purposely castrate another shall be punished with the penalty of *reclusión temporal* to *reclusión perpetua.*

ART. 428. Any other mutilation of the person likewise purposely committed shall be punished with the penalty of *reclusión temporal.*

ART. 429. He who shall wound, bruise, or maltreat another shall be punished as guilty of causing serious physical injuries:

1. With the penalty of *prisión mayor* if, as the result of the injuries, the person assaulted became an imbecile, impotent, or blind.

2. With that of *prisión correccional* in its medium and maximum degrees if, as a result of such injuries, the person assaulted should have lost an eye or any principal member, or should have been hindered in the use thereof, or become useless for the occupation in which, up to that time, he had been habitually engaged.

3. With the penalty of *prisión correccional* in its minimum and medium degrees if, as the result of such injuries, the person assaulted should have been deformed, or had lost a member not a principal one, or should have had it rendered useless, or should have been, for a period of more than ninety days, ill, or disabled for his usual occupation.

4. With that of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree if such injuries should have occasioned the assaulted party an illness or disability for work lasting more than thirty days.

If the act should be committed against any of the persons specified in article 413, or with any of the attendant circumstances specified in article 414, the penalties shall be those of *reclusión temporal* in its medium and maximum degrees, in the case of No. 1 of this article, and that of *prisión correccional* in its maximum degree to *prisión mayor* in its minimum degree in the case of No. 2; that of *prisión correccional* in its medium and maximum degrees in the case of No. 3;

and that of *prisión correccional* in its minimum and medium degrees in the case of No. 4 of the same.

The injuries which a father may cause his child in too severe a correction are not included in the preceding paragraph.

Neither are those which, by way of correction, masters, or the persons under whose charge they have placed their slaves, may cause them, provided that said correction does not exceed the limit of punishment authorized by the regulations.

ART. 430. If the master should inflict or cause to be inflicted upon a slave the injuries included in Nos. 1 and 2 of the preceding article, the civil liability which he shall incur, according to article 17, shall be extended to the obligatory manumission of the injured person and to the obligation to support him during his life.

If the injuries which the master should thus inflict or cause to be inflicted should be of those included in Nos. 3 and 4 of the preceding article, the civil liability shall be extended to the forced alienation of the slave to a person to whom the author of the crime is not bound by any tie of relationship within the fourth degree.

ART. 431. The penalties mentioned in the preceding article are respectively applicable to the person who, without intent to kill, shall cause another any grave injury by knowingly administering to him noxious substances or beverages, or by taking advantage of his credulity or feebleness of mind.

ART. 432. Injuries not included in the preceding articles, which shall render the injured person unable to work for eight days or more, or require the care of a physician for a similar period, shall be less grave, and shall be punished with *arresto mayor* or banishment, and a fine of from 325 to 3,250 pesetas, in the discretion of the courts.

When the less grave injury should be inflicted with manifest intent of outrage or under humiliating circumstances, in addition to *arresto mayor* a fine of from 325 to 3,250 pesetas shall be imposed.

ART. 433. Less grave injuries inflicted on parents, ascendants, guardians of persons or property, teachers, or persons holding public rank or authority, masters, patrons, overseers or major-domos, shall be punished always with *prisión correccional* in its minimum and medium degrees.

ART. 434. When, in the quarrelsome brawl defined in article 418, grave injuries should be inflicted upon any person, and it can not be ascertained who caused them, there shall be imposed the penalty immediately lower than that prescribed for the injuries inflicted, upon everyone who shall appear to have exercised any violence upon the person of the party assaulted.

ART. 435. He who shall mutilate himself or give his consent to his mutilation, for the purpose of securing his exemption from military service, and shall have been declared exempt from such service on

account of said mutilation, shall incur the penalty of *presidio correccional* in its medium and maximum degrees.

ART. 436. He who should disable another, with his consent, for the purpose mentioned in the preceding article, shall incur the penalty of *presidio correccional* in its minimum and medium degrees.

If he should have done the deed for remuneration, the penalty shall be that next higher in degree than that prescribed in the foregoing paragraph.

If the person guilty of this crime were the father, mother, spouse, brother, or brother-in-law of the person mutilated, the penalty shall be that of *arresto mayor* in its medium degree to *prisión correccional* in its minimum degree.

CHAPTER VIII.

GENERAL PROVISIONS.

ART. 437. The husband who should surprise his wife in adultery and shall kill her or her paramour in the act, or shall inflict upon them any kind of grave physical injury, shall be punished with the penalty of banishment.

If he should inflict upon them injuries of any other kind he shall be exempt from punishment.

These rules are applicable under similar circumstances to fathers with regard to their daughters under 23 years of age and their seducers while the former are living under the paternal roof.

The benefit of this article shall not be extended to those who may have instigated or facilitated the prostitution of their wives or daughters.

CHAPTER IX.

DUELLING.[1]

ART. 438. The authority who shall receive information that a duel is being arranged shall proceed to the detention of the challenger and that of the challenged party, if he shall have accepted the challenge, and shall not set them at liberty until they give their words of honor to desist from their purpose.

He who shall break his word, challenging his adversary anew, shall be punished with the penalties of temporary absolute disqualification from public office and *confinamiento.*

He who shall accept the challenge under similar circumstances shall be punished with that of banishment.

ART. 439. He who shall kill his adversary in a duel shall be punished with the penalty of *prisión mayor.*

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[1]See General Order No. 129, Headquarters Department of Porto Rico, August 24, 1899, page 145.

If he inflicts upon him the injuries described in number 1, of article 429, with that of *prisión correccional* in its medium and maximum degrees.

In any other case whatsoever the penalty of *arresto mayor* shall be imposed upon the combatants, even though no injury should result.

ART. 440. In place of the penalties prescribed in the preceding article there shall be imposed, in case of homicide, that of *confinamiento;* that of banishment in case of the physical injuries included in number 1, of article 429, and that of a fine of from 325 to 3,250 pesetas in all other cases:

1. Upon the challenged person who should fight because he had not obtained from his adversary an explanation of the reasons for the duel.

2. Upon the challenged person who should fight because of his adversary having refused to accept adequate explanations or proper satisfaction for the offense given.

3. Upon a person insulted who should fight because he had not been able to obtain from the offender an adequate explanation or proper satisfaction demanded.

ART. 441. The penalties prescribed in article 439 shall be imposed in their maximum degrees:

1. Upon the person who shall challenge another to a duel without explaining to his adversary, if he should demand them, the reasons therefor.

2. Upon the person who, having issued a challenge, although he should do so with cause, should reject the adequate explanations or proper satisfaction that his adversary may have offered him.

3. Upon the person who, having done his adversary any injury whatsoever, shall refuse to give him sufficient explanations or proper satisfaction.

ART. 442. He who shall incite another to send or accept a challenge to a duel shall be punished respectively with the penalties prescribed in article 439, if the duel should take place.

ART. 443. He who shall revile or publicly discredit another for having refused a challenge shall incur the penalties prescribed for grave outrage.

ART. 444. The seconds of a duel from which death or physical injuries result shall be respectively punished as principals with premeditation in such offenses, should they have incited the duel or employed any manner of treachery in its conduct or in the arrangement of its conditions.

They shall be considered as accomplices in the same crimes if they should have planned it to the death, or with known advantage on the part of one of the combatants.

They shall incur the penalties of *arresto mayor* and a fine of from 625 to 6,250 pesetas if they should not have done all in their power to

reconcile the disputants, or should not have agreed to arrange the conditions of the duel in the manner the least dangerous possible to the life of the combatants.

ART. 445. A duel which takes place without the attendance of two or more seconds of legal age for each of the combatants, and without their having selected the arms and arranged all the other conditions thereof, shall be punished:

1. With *prisión correccional*, if neither death nor wounds result therefrom.

2. With the general penalties of this code, if they should result, never falling below that of *prisión correccional*.

ART. 446. There shall likewise be imposed the general penalties of this code, and in addition that of temporary absolute disqualification:

1. Upon the person who shall provoke or give rise to a challenge with pecuniary interest or immoral purpose in view.

2. Upon the combatant who is guilty of treachery in disregarding the conditions agreed upon by the seconds.

TITLE IX.

CRIMES AGAINST CHASTITY.

CHAPTER I.

ADULTERY.

ART. 447. Adultery shall be punished with the penalty of *prisión correccional* in its medium and maximum degrees.

Adultery is committed by the married woman who lies with a man not her husband and by him who lies with her knowing that she is married, although the marriage be afterwards declared void.

ART. 448. Adultery committed by a slave with the wife of his master or a freedman with that of his patron, shall be punished with the penalty of *prisión mayor*.

ART. 449. No penalty shall be imposed for the crime of adultery except upon the complaint of the aggrieved husband.

The latter can enter a complaint against both guilty parties if alive, and never if he had consented to the adultery or pardoned either of the culprits.

ART. 450. The husband may at any time obtain the remission of the punishment imposed upon his wife.

In such case the adulterer's penalty shall also be considered as remitted.

ART. 451. The final judgment rendered in a suit for divorce on the ground of adultery shall have full effect as to penal consequences if it absolves the respondents.

If the judgment is condemnatory of the respondents, however, a

new proceeding shall be necessary in order to impose penalties upon them.

ART. 452. The husband who shall keep a concubine in his home, or out of it with scandal, shall be punished with the penalty of *prisión correccional* in its minimum and medium degrees.

The concubine shall be punished with banishment.

The provisions of articles 449 and 450 are applicable to the case referred to in this article.

CHAPTER II.

RAPE (VIOLACIÓN) AND WRONGFUL ABUSE OF CHASTITY.

ART. 453. The rape of a woman shall be punished with the penalty of *reclusión temporal.*

Rape is committed by lying with a woman in any of the following cases:

1. If force or intimidation shall be used.
2. If the woman is from any cause deprived of reason or unconscious.
3. If she is under 12 years of age, though none of the circumstances mentioned in the two foregoing numbers be attendant.

ART. 454. The slave who shall violate a woman under whose servitude he may be, or the wife, daughter, or granddaughter of his master, or a woman of the family of any of them, within the fourth degree of relationship and living in their household, shall be punished with the penalty of *reclusión temporal* in its medium degree to *reclusión perpetua.*

ART. 455. Whosoever shall offend lewdly the person of one of either sex with the attendance of any of the circumstances mentioned in article 453, shall be punished, according to the gravity of the case, with the penalty of *prisión correccional* in its medium and maximum degrees.

If the lewd abuse referred to in the foregoing paragraph be committed by the slave against any member of his master's family within the fourth degree of relationship, the penalty shall be that of *prisión correccional* in its maximum degree to *prisión mayor* in its minimum and medium degrees.

CHAPTER III.

CRIMES OF PUBLIC SCANDAL.

ART. 456. He who, being united by an indissoluble religious marriage, should abandon his spouse and contract another marriage according to the civil law with another person, or vice versa, even though the new religious marriage he should contract were not indis-

soluble, shall incur the penalty of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree and public censure.

ART. 457. Those who in any way should offend modesty or good morals by acts of grevious scandal or enormity, not expressly included in other articles of this code, shall incur the penalties of *arresto mayor* and public censure.

ART. 458. Those who shall preach or proclaim, with publicity and scandal, doctrines contrary to public morals, shall incur the penalty of a fine of from 325 to 3,250 pesetas.

CHAPTER IV.

SEDUCTION AND CORRUPTION OF MINORS.

ART. 459. The seduction of a virgin over 12 and under 23 years of age, committed by a public authority, priest, servant, domestic, guardian, or teacher in charge of her education or guardianship, under any name whatsoever, shall be punished with the penalty of *prisión correccional* in its minimum and medium degrees.

Whosoever shall commit incest with his sister or a descendant of his, even though she were older than 23 years of age, shall incur the same penalty.

Seduction, when committed with fraud by any other person on a woman over 12 years of age but under 23, shall be punished with the penalty of *arresto mayor.*

Any other unchaste abuse committed by the same persons and under similar circumstances shall be punished with the same penalty.

ART. 460. If the seduction were committed by a slave on the person of his mistress, the daughter or granddaughter of his master, or a woman of the family of any one of them related within the fourth degree of relationship and living in their household, the penalty shall be that of *prisión correccional* in its maximum degree to *prisión mayor* in its minimum and medium degrees.

ART. 461. An unchaste abuse committed by a slave, through the employment of fraud, upon a person over 12 years of age but under 23, belonging to the family of his master within the fourth degree of relationship, shall be punished with the penalty of *prisión correccional* in its minimum and medium degrees.

ART. 462. Whosoever shall habitually, or taking advantage of his authority or another's trust, promote or facilitate the prostitution or corruption of minors to satisfy the lusts of another, shall be punished with the penalty of *prisión correccional* in its minimum and medium degrees; and temporary absolute disqualification if he were an authority.

CHAPTER V.

ABDUCTION (RAPTO).

ART. 463. The abduction of a woman, executed against her will and with unchaste designs, shall be punished with the penalty of *reclusión temporal.*

The same penalty shall be imposed in all cases if the person abducted were under 12 years of age.

ART. 464. If the crime foreseen in the preceding article should be committed by a slave against the person of his mistress, or the wife, daughter, or granddaughter of his master, or a woman belonging to the family of any of them, within the fourth degree of relationship, and living in their household, he shall be punished with the penalty of *reclusión temporal* in its medium degree to *reclusión perpetua.*

ART. 465. The abduction of a virgin under 23 years of age and over 12, executed with her assent, shall be punished with the penalty of *prisión correccional* in its minimum and medium degrees.

The same crime committed by a slave against any of the persons mentioned in the preceding article shall be punished with the penalty of *prisión correccional* in its maximum degree to *prisión mayor* in its minimum degree.

ART. 466. Those guilty of the crime of abduction who shall not give the whereabouts of the person abducted, or satisfactory explanation of her death or disappearance, shall be punished with the penalty of *cadena perpetua.*

CHAPTER VI.

PROVISIONS COMMON TO THE PRECEDING CHAPTERS.

ART. 467. Criminal proceedings for seduction can only be instituted on the complaint of the offended person, or her parents, grandparents, or guardian.

In order to proceed in cases of rape and in those of abduction committed with unchaste design, the denunciation of the interested party, of her parents, grandparents, or guardians, shall suffice, even though they do not present a formal petition to the judge.

If the person injured should, by reason of her age or mental condition, lack the requisite personality to appear in court, and should, besides, be wholly unprotected, not having parents, grandparents, brothers, or guardian of person or property to denounce the crime, the *procurador síndico* or the public prosecutor may do so, acting on the strength of public rumor.

In all the cases of this article the express or implied pardon of the

offended party shall extinguish penal action or the penalty if it should have been already imposed on the culprit.[1]

The pardon shall never be presumed, except by the marriage of the offended party with the offender.

ART. 468. Those guilty of rape, seduction, or abduction shall be condemned also, by way of indemnification—

1. To endow the injured woman, if she were unmarried or a widow.
2. To emancipate her if she were under his servitude.
3. To acknowledge the offspring if the character of its origin should not prevent it.
4. In all cases to support the offspring.

ART. 469. The ascendants, guardians of persons or property, masters, patrons, teachers, and any other persons whatsoever, who, taking advantage of their authority or trust, cooperate as accomplices in the perpetration of the crimes included in the four preceding chapters, shall be punished as principals therein.

Teachers, or those charged in any manner whatsoever with the education or management of the young, shall, furthermore, be condemned to the penalty of temporary special disqualification in its maximum degree to perpetual special disqualification.

ART. 470. Those included in the preceding article, and any others whatsoever, guilty of the corruption of minors in the interest of a third person, shall be punished with the penalties of interdiction in the right to exercise guardianship and to be members of the family council.

TITLE X.

CRIMES AGAINST HONOR.

CHAPTER I.

CALUMNY.

ART. 471. Calumny is the false imputation of a crime of those subject to prosecution at the instance of the Government (*de oficio*).

ART. 472. Calumny put into writing and made public shall be punished with the penalties of *prisión correccional* in its minimum and medium degrees and a fine of from 1,250 to 12,500 pesetas if a grave crime be charged, and with those of *arresto mayor* and a fine of from 625 to 6,250 pesetas if the crime charged be less grave.

ART. 473. When the calumny is not made public and put into writing it shall be punished—

1. With the penalty of *arresto mayor* in its maximum degree and a fine of from 625 to 6,250 pesetas, if a grave crime be charged.

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[1] See Order No. 150, Headquarters Division of Cuba, April 10, 1900, page 139.

2. With that of *arresto mayor* in its minimum degree and a fine of from 325 to 3,250 pesetas, if a less grave crime be charged.

ART. 474. A person accused of calumny shall be exempt from all punishment if he shall prove the criminal act charged.

The sentence establishing the calumny shall be published in the official periodicals if the calumniated person should request it.

CHAPTER II.

CONTUMELY.

ART. 475. Contumely includes every expression pronounced or action executed with a view to dishonoring or holding up to contempt another person.

ART. 476. The following are grave acts of contumely:

1. The imputation of a crime of those subject to prosecution at the instance of the Government (*de oficio*).

2. That of a vice or a lack of morality the consequences of which might considerably damage the fame, credit, or interest of the person offended.

3. Acts of contumely which by their nature, occasion, or circumstance are ignominious in public opinion.

4. Those which reasonably deserve the classification of grave acts in view of the condition, dignity, and personal circumstances of the offended party and the offender.

ART. 477. Grave acts of contumely put into writing and made public shall be punished with the penalties of banishment in its medium to its maximum degree and a fine of from 625 to 6,250 pesetas.

If said circumstances should not be attendant they shall be punished with the penalties of banishment in its minimum to its medium degree and a fine of from 325 to 3,250 pesetas.

ART. 478. Slight acts of contumely shall be punished with the penalties of *arresto mayor* in its minimum degree and a fine of from 325 to 3,250 pesetas, if they are in writing and should be made public.

If these circumstances are not attendant they shall be punished as misdemeanors.

ART. 479. A person charged with acts of contumely shall not be allowed to furnish evidence tending to prove the truth of his imputations, unless they shall have been directed at public officers about matters concerning the performance of their duties.

In such case the defendant shall be acquitted if he prove the truth of his imputations.

CHAPTER III.

GENERAL PROVISIONS.

ART. 480. The crime of calumny or contumely may be committed not only openly, but by means of allegories, caricatures, emblems, or allusions.

ART. 481. Calumny and contumely shall be considered as having been committed in writing and made public when they are circulated through the medium of printed, lithographed, or engraved papers, by placards or lampoons posted in public places, or by manuscript communicated to more than ten persons.

ART. 482. Any person accused of the crime of calumny or contumely, covert or equivocal, who shall refuse to furnish the court with a satisfactory explanation thereof, shall be punished as guilty of open calumny or contumely.

ART. 483. The editors or printers of newspapers in which the calumnies or contumelies may have been published, shall insert therein, within the period fixed by law, or, in the absence thereof, by the court, the apology or the condemnatory sentence, if the offended party should so require.

ART. 484. An action for calumny or contumely may be brought by the ascendants, descendants, spouses, and brothers of the deceased offended party, provided the calumny or contumely reflects on them, and in any case by the heir.

ART. 485. The action for calumny or contumely shall also be proper when they should have been committed by means of publications in a foreign country.

ART. 486.[1] No one can institute an action for calumny or contumely committed in judicial proceedings without the previous permission of the judge or tribunal having cognizance thereof.

No one shall be punished for calumny or contumely unless on complaint of the offended party, except when the offense is directed against the public authority, corporations, or determined classes in the State, and in the cases prescribed in Chapter V of Title III of this book.

A person guilty of calumny or contumely against individuals shall be relieved from the penalty imposed by the pardon of the offended party.

For the purposes of this article the sovereigns and princes of friendly or allied nations, their diplomatic agents, and foreigners with a public character, that, according to treaties, should be included in this provision, shall be considered as authorities.

A special initiative of the government must precede any action relating to the cases mentioned in the foregoing paragraph.

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[1] See Order No. 125, Headquarters Division of Cuba, July 31, 1899, page 137; and Order No. 239, June 12, 1900, page 142.

TITLE XI.

CRIMES AGAINST THE CIVIL STATUS OF PERSONS.

CHAPTER I.

FICTITIOUS REPRESENTATIONS OF CHILDBIRTH AND USURPATION OF CIVIL STATUS.

ART. 487. Fictitious representations of childbirth and the substitution of one child for another shall be punished with the penalties of *presidio mayor* and a fine of from 625 to 6,250 pesetas.

The same punishments shall be imposed on any person who should hide or expose a legitimate child with the intent to make him lose his civil status.

ART. 488. The physician or public official who, in taking advantage of his profession or office, should cooperate in the commission of any of the crimes mentioned in the foregoing article shall incur the same penalties, and, furthermore, that of temporary special disqualification.

ART. 489. He who shall usurp the civil status of another shall be punished with the penalty of *presidio mayor.*

CHAPTER II.

CELEBRATION OF ILLEGAL MARRIAGES.

ART. 490. Any person who shall contract a second or subsequent marriage without the prior marriage being lawfully dissolved, shall be punished with the penalty of *prisión mayor.*

ART. 491. He who, notwithstanding the existence of an impediment for which no dispensation can be had, shall contract a marriage, shall be punished with the penalty of *prisión correccional* in its medium and maximum degrees.

ART. 492. He who shall contract a marriage, notwithstanding the existence of an impediment for which dispensation could be had, shall be punished with a fine of from 325 to 3,250 pesetas.

If through his own fault he shall not, after dispensation within the period fixed by the court, have caused the marriage to be validated, he shall be punished with the penalty of *prisión correccional* in its medium and maximum degrees, from which penalty he shall be released when the marriage is made valid.

ART. 493. He who shall cause, through surprise or deceit, a parish priest to take part in the celebration of an illegal marriage, valid, however, under the provisions of the church, shall be punished with the penalty of *prisión correccional.*

If he should have caused him to take part through violence or intimidation, he shall be punished with that of *prisión menor.*

ART. 494. Any minor who shall contract a marriage without the consent of his or her parents, or of the persons who for such purposes stand in their stead, shall be punished with *prisión correccional* in its minimum and medium degrees.

The culprit shall be pardoned as soon as the parents or persons referred to in the foregoing paragraph approve the marriage contracted.

ART. 495. The widow who shall marry before three hundred and one days have elapsed from the death of her husband, or before she is confined, if she were pregnant at the time of his death, shall incur the penalties of *arresto mayor* and a fine of from 125 to 1,250 pesetas.

The same penalty shall be incurred by a woman whose marriage should have been declared null and void if she should marry before her confinement or before three hundred and one days have elapsed from her legal separation.

ART. 496. He who, without previous dispensation, shall contract a marriage with one of his adopted children or descendants shall be punished with the penalty of *arresto mayor*.

ART. 497. The guardians who, before the judicial approval of his accounts, should contract a marriage with or should give his consent to his children or descendants contracting it with the person whose wardship he should have or should have had, unless the father of the latter should have duly authorized such marriage, shall be punished with the penalties of *prisión correccional* in its medium and maximum degree and a fine of from 325 to 3,250 pesetas.

ART. 498. The ecclesiastical or civil authority who shall perform a marriage forbidden by law, or in regard to which there is any impediment which can not be removed by dispensation, shall be punished with the penalty of suspension in its medium and maximum degrees and a fine of from 625 to 6,250 pesetas.

If the impediment could be removed by dispensation the penalties shall be those of banishment in its minimum degree and a fine of from 325 to 3,250 pesetas.

ART. 499. In all the cases of this chapter the person who contracted marriage by deceit shall be adjudged to endow, according to his means, the woman who contracted the marriage in good faith.

TITLE XII.

CRIMES AGAINST LIBERTY AND SECURITY.

CHAPTER I.

UNLAWFUL DETENTIONS.

ART. 500. Any private person who shall lock up or detain another, or in any way deprive him of his liberty, reserving the provisions of article 502, shall be punished with the penalty of *prisión mayor*.

He who shall furnish a place for the commission of the crime shall incur the same penalty.

If the culprit should release the person locked up or detained within three days after his detention had commenced, without obtaining the object he had in view and without the commencement of criminal proceedings, the penalty shall be *prisión correccional* in its minimum and medium degrees and a fine of from 325 to 3,250 pesetas.

ART. 501. The crime referred to in the preceding article shall be punished with the penalty of *reclusión temporal*—

1. If the imprisonment or detention should have lasted more than twenty days.

2. If it should have been committed by the false assumption of public authority.

3. If grave physical injuries should have been inflicted on the person imprisoned or detained or if he should have been threatened with death.

ART. 502. Any person who, cases permitted by law being excepted, shall without sufficient reason apprehend or detain a person in order to turn him over to the authorities, shall be punished with the penalties of *arresto menor* and a fine of from 325 to 3,250 pesetas.

This article is not applicable to those apprehending the slaves or serfs of others, who are fugitives, in order to deliver them to their masters or the authorities, in the cases prescribed in the regulations, provided that the delivery be made within the term of seventy-two hours after the capture.

Fugitives shall be considered those of whose flight notice shall have been given by their masters or patrons to the local authorities, by publication in the newspapers, or that are found three leagues away from the farms upon which they were employed, without a permit from their master, manager, or overseer or with a permit whose term of license had already expired.

CHAPTER II.

THE ABDUCTION OF INFANTS.

ART. 503. The abduction of a child under 7 years of age shall be punished with the penalty of *cadena temporal.*

ART. 504. The same penalty shall be incurred by any person who, being in charge of the person of a minor, shall not deliver him to his parents or guardians or give a satisfactory explanation concerning his disappearance.

ART. 505. He who shall induce a minor, but over the age of 7, to abandon the house of his parents, guardians, or persons in charge of him, shall be punished with the penalties of *arresto mayor* and a fine of from 325 to 3,250 pesetas.

CHAPTER III.

THE ABANDONMENT OF CHILDREN.

ART. 506. He who shall abandon a child under 7 years of age shall be punished with the penalties of *arresto mayor* and a fine of from 325 to 3,250 pesetas.

If on account of the circumstances of the abandonment the death of a child is caused, the culprit shall be punished with the penalty of *prisión correccional* in its medium and maximum degrees.

If the child's life should have only been endangered, the punishment shall also be that of *prisión correccional*, but in its minimum and medium degrees.

The provisions of the two foregoing paragraphs must be considered without prejudice to the punishment of the deed as may be proper if it should constitute a graver crime.

ART. 507. He who being intrusted with the rearing or education of a minor should place him in charge of any public institution or of another person, without the assent of the person who had confided said minor to him, or of the public authorities in his absence, shall be punished with a fine of from 325 to 3,250 pesetas.

CHAPTER IV.

PROVISION COMMON TO THE THREE PRECEDING CHAPTERS.

ART. 508. He who shall unlawfully detain another person or abduct a child under the age of 7 years, and should not give an account of his whereabouts, or should not give evidence of having set him free, shall be punished with the penalty of *cadena temporal* in its maximum degree to *cadena perpetua*.

He who shall abandon an infant under 7 years of age shall incur the same penalty, if he does not give evidence that he abandoned the infant without committing another crime.

CHAPTER V.

FORCIBLE ENTRY OF DWELLINGS.

ART. 509. Any private individual who shall enter another's dwelling against the will of the tenant thereof shall be punished with *arresto mayor* and a fine of from 325 to 3,250 pesetas.

If the deed were committed with violence or intimidation, the penalties shall be *prisión correccional* in its medium and maximum degrees and a fine of from 325 to 3,250 pesetas.

ART. 510. The provisions of the foregoing article are not applicable to a person who enters another's dwelling in order to avoid a grave injury to himself, to the tenants, or to a third person; nor to him who

should enter the same in order to render some service to humanity or justice.

ART. 511. The provisions of this chapter are not applicable to cafés, taverns, inns, and other public houses while they are open.

CHAPTER VI.

THREATS AND ACTS OF COMPULSION.

ART. 512. He who shall threaten another or his family with regard to their persons, honor, or property with an injury amounting to a crime shall be punished—

1. With the penalty next lower in degree than that prescribed by law for the crime with which the person is threatened, if the threat should have been made by exacting a sum of money or imposing some other condition, even though not illegal, provided the culprit attained his purpose. If the purpose were not attained, with the penalty lower by two degrees.

The penalty shall be imposed in its maximum degree if the threats should be made in writing or through the medium of an emissary.

2. With the penalties of *arresto mayor* and a fine of from 325 to 3,250 pesetas, if the threat should have been unconditional.

ART. 513. Threats of an injury not constituting a crime, made in the manner mentioned in No. 1 of the foregoing article, shall be punished with the penalty of *arresto mayor*.

ART. 514. In all the cases of the two foregoing articles the person making the threat may also be sentenced to give security not to offend the person threatened, and in default thereof to the penalty of banishment.

ART. 515. Any person who, without lawful authorization, shall with violence prevent another from doing what is not prohibited by law, or shall compel him to do what he does not wish, whether just or unjust, shall be punished with the penalties of *arresto mayor* and a fine of from 325 to 3,250 pesetas.

ART. 516. He who with violence shall appropriate a thing belonging to his debtor in order to pay himself therewith shall be punished with the penalties of *arresto mayor* in its minimum degree and a fine equivalent to the value of the thing, but in no case lower than 325 pesetas.

CHAPTER VII.

DISCOVERY AND REVELATION OF SECRETS.

ART. 517. He who in order to discover another's secrets shall take possession of his papers or letters and divulge such secrets, shall be punished with the penalties of *prisión correccional* in its minimum and medium degrees and a fine of from 325 to 3,250 pesetas.

If he does not disclose them the penalties shall be *arresto mayor* and a fine of from 325 to 3,250 pesetas.

This provision is not applicable to husbands, parents, guardians, or persons acting in their stead with regard to papers or letters belonging to their wives, children, or minors under their custody.

ART. 518. The manager, clerk, or servant who in such capacity may be informed of his employer's secrets, and shall divulge them, shall be punished with the penalties of *arresto mayor* and a fine of from 325 to 3,250 pesetas.

ART. 519. The manager, employee, or laborer in a factory or other industrial concern who, to the prejudice of the owner's interests, shall disclose the secrets of his industry, shall be punished with the penalties of *prisión correccional* in its minimum and medium degrees and a fine of from 325 to 3,250 pesetas.

TITLE XIII.

CRIMES AGAINST PROPERTY.

CHAPTER I.

ROBBERY.

ART. 520. Those who, with intent of profiting thereby, shall take possession of the personal property of another with violence or intimidation of the person or by employing force with regard to the personal property, are guilty of the crime of robbery.

ART. 521. A person guilty of robbery with violence or intimidation of the person shall be punished:

1. With the penalty of *cadena perpetua* to death if on account or on the occasion of the robbery there results homicide.

2. With the penalty of *cadena temporal* in its medium degree to *cadena perpetua*, if the robbery should be accompanied by violation or mutilation caused purposely, or if on account or on the occasion of the robbery any of the injuries punished in No. 1 of article 429 should be inflicted, or should the robbed person be detained for ransom or for more than one day.

3. With the penalty of *cadena temporal* if on the same account or occasion some of the injuries punished in No. 2 of the article mentioned in the foregoing number should be inflicted.

4. With the penalty of *presidio mayor* in its medium degree to *cadena temporal* in its minimum degree if the violence or intimidation that should have attended the robbery were of a gravity manifestly unnecessary for its execution; or if in the perpetration of the crime injuries of the kind mentioned in Nos. 3 and 4 of said article 429 should have been inflicted by the delinquents upon persons not responsible for the crime.

5. With the penalty of *presidio correccional* to *presidio mayor* in its medium degree in other cases.

ART. 522. If the crimes referred to in Nos. 3, 4, and 5 of the foregoing article should have been committed in an uninhabited place and by a gang, or by attacking a moving train, or by entering passenger compartments, or by surprising passengers in any manner whatsoever within the cars, the penalty shall be imposed on the culprits in the maximum degree.

Upon the chief of the gang, if it should be wholly or partially armed, there shall be imposed, in the same cases, the penalty next higher.

ART. 523. A gang exists if more than three armed malefactors unite in the robbery.

The malefactors present at the commission of a robbery in an uninhabited place and by a gang shall be punished as principals in any of the outrages committed by the gang if there is no evidence that they endeavored to prevent them.

The malefactor who habitually travels with the gang shall be presumed to have been present at all the attempts committed by it, unless there be proof to the contrary.

ART. 524. The attempt and frustrated crime of robbery, committed with the crime mentioned in No. 1 of article 521, shall be punished with the penalty of *cadena temporal* in its maximum degree to *cadena perpetua*, unless the homicide committed should deserve a higher penalty according to the provisions of this code.

ART. 525. He who in order to defraud another should force him by violence or intimidation to sign, execute, or deliver a public instrument or document shall be punished as guilty of robbery with the penalties respectively prescribed in this chapter.

ART. 526. Those who should with arms rob an inhabited house or public building, or one dedicated to religious worship, shall be punished with the penalty of *presidio mayor* in its medium degree to *cadena temporal* in its minimum degree, if the value of the articles should exceed 1,250 pesetas and the malefactors should have entered the house or building where the robbery was committed, or any of its dependencies, by one of the following means:

1. By wrongful entry.[1]

2. By breaking through a wall, ceiling, or floor, or by forcing a door or window.

3. By making use of false keys, picklocks, or other similar instruments.

4. By breaking open doors, wardrobes, etc., coffers, or any other kind of furniture, or locked or sealed objects, or by taking the same away to be broken or forced open outside the place of robbery.

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[1] See article 10, No. 23.

5. By making use of fictitious names or simulation of authority.

If the malefactors should not carry arms, and the extent of the robbery should exceed 1,250 pesetas, the penalty next lower shall be imposed.

The same rule shall be observed if the malefactors do carry arms but the extent of the robbery does not exceed 1,250 pesetas.

If they do not carry arms, nor does the extent of the robbery exceed 1,250 pesetas, the penalty prescribed in the two preceding paragraphs shall be imposed on the culprits in its minimum degree.

ART. 527. If the crimes referred to in the foregoing articles should have been committed in an uninhabited place and by a gang, or if the property robbed should have been articles dedicated to religious worship, the penalty shall be imposed on the culprits in its maximum degree.

ART. 528. Any lodging that shall constitute the dwelling place of one or more persons shall be considered an inhabited house, even if they should be accidentally absent therefrom when the robbery takes place.

As dependencies of an inhabited house or public building, or one dedicated to religious worship, shall be considered: Its courts, corrals, shops, granaries, mows, stables, stalls, and other divisions or inclosures contiguous to the building, having interior communication therewith, so that the whole constitutes one entire place.

The orchards and other grounds destined to the cultivation and product of the soil shall not be included in the foregoing paragraph, even if they are fenced in, adjoin the building and have interior communication therewith.

ART. 529. If the robbery referred to in article 526 should have been committed in a dependency of an inhabited house, public building, or one dedicated to religious worship, by means of the culprits entering the same by climbing an exterior wall, and should have been limited to the taking of nutritious grains, products, or wood, and the value of the things robbed should not exceed 75 pesetas, there shall be imposed on the culprits the penalty of *arresto mayor* in its medium degree to *prisión correccional* in its minimum degree.

ART. 530. The robbery committed in an uninhabited place, or in a building that is not one of those mentioned in the first paragraph of article 526 if the value of the objects robbed should exceed 1,250 pesetas, shall be punished with the penalty of *presidio correccional* in its medium and maximum degrees, provided that any of the following circumstances be attendant:

1. Wrongful entry.

2. The breaking of walls, roofs, or floors, the forcing of outer doors or windows.

3. Having made use of false keys, picklocks, or other similar instruments to enter the place of the robbery.

4. The forcing of doors, wardrobes, etc., coffers, or any other kind of furniture, or locked or sealed objects.

5. The removal of the locked or sealed objects referred to in the preceding paragraph, even though they be broken into outside the place of the robbery.

If the value of the objects robbed does not exceed 1,250 pesetas, the penalty next lower shall be imposed.

ART. 531. In the cases of the preceding article, a robbery not involving a value of more than 75 pesetas shall be punished with *arresto mayor* in its medium and maximum degrees.

If the things robbed were of those mentioned in article 529, the penalty next lower shall be imposed.

ART. 532. The robbery referred to in articles 529, 530, and 531, shall be punished with the penalty next higher if the culprit were a recidivist two or more times.

ART. 533. He who shall have in his possession picklocks or other tools specially designed to commit the crime of robbery, and shall not give satisfactory explanation as to the manner he acquired or kept them, shall be punished with the penalty of *arresto mayor* in its maximum degree to *presidio correccional* in its minimum degree.

The same penalty shall be incurred by those who manufacture said tools. If they be locksmiths, the penalty of *presidio correccional* in its medium and maximum degrees shall be imposed.

ART. 534. The following are considered as false keys:

1. The tools referred to in the preceding article.

2. True keys stolen from the owner.

3. Any others not used by the owner in opening the lock the criminal may have tampered with.

CHAPTER II.

THEFT.

ART. 535. The following are guilty of theft:

1. Those who with intent of gain and without violence or intimidation against the person or force against things shall take another's personal property without the owner's consent.

2. Those who finding something lost and, knowing who its owner is, appropriate it with the intent of profit.

3. Those committing damage to property, who remove or utilize the result or the object of the damage so caused, except in the cases provided for in Nos. 1, 2, and 3 of article 615; No. 1 of article 618 and articles 619, 621, and 626.

ART. 536. Those guilty of theft shall be punished:

1. With the penalty of *presidio correccional* in its medium and maximum degrees, if the value of the stolen property should exceed 6,250 pesetas.

2. With the penalty of *presidio correccional* in its minimum and medium degrees, should it not exceed 6,250 pesetas and be more than 1,250.

3. With *arresto mayor* in its medium degree to *presidio correccional* in its minimum degree, should it not exceed 1,250 pesetas and be more than 250 pesetas.

4. With *arresto mayor* to its fullest extent, should it be more than 25 but not exceed 250 pesetas.

5. With *arresto mayor* in its minimum and medium degrees, if it should not exceed 25 pesetas, or even though it should exceed said amount, if the theft is of nutritious grains, fruits, or wood, provided it does not exceed 50 pesetas.

ART. 537. The following shall also be punished with the penalty of *arresto mayor* in its minimum and medium degrees:

He who shall enter an inclosed estate or a place where trespass is forbidden, to hunt or fish, employing violence or intimidation against the person or force against things.

He who under the same conditions shall hunt or fish on an estate or fields without the permission of the owner, employing means forbidden by the ordinances.

If the circumstances mentioned in the two foregoing paragraphs shall occur simultaneously, the culprit shall be punished with the penalty of *arresto mayor* in its maximum degree.

ART. 538. The theft shall be punished with penalties next higher in degree than those respectively prescribed in the two preceding articles—

1. If the stolen objects were things dedicated to worship or if the deed were committed during a religious ceremony or in an edifice dedicated to the celebration thereof.

2. If the thief were a domestic or if the deed were committed through a gross breach of trust.

3. If the culprit were a recidivist two or more times.

CHAPTER III.

APPROPRIATION OF SLAVES BELONGING TO OTHERS AND FLIGHT OF SLAVES.

This chapter includes articles 539 to 544, which are not applicable, slavery having been abolished in Cuba by the law of February 13, 1880, and "patronage" by the royal decree of October 7, 1886.

CHAPTER IV.

USURPATION.

ART. 545. Whosoever with violence or intimidation against persons shall occupy any real property or usurp a property right of another

shall incur, in addition to the penalties which he may have incurred for the violences committed by him, a fine of from 50 to 100 per cent of the profit he may have derived therefrom, never being less than 325 pesetas.

Should it not be possible to estimate said profit, a fine of from 325 to 3,250 pesetas shall be imposed.

ART. 546. Whosoever shall alter boundaries or landmarks of towns or estates or any other marks intended to fix the limits of adjoining estates, shall be punished with a fine of from 50 to 100 per cent of the profit he may have derived or might have been able to derive therefrom.

Should it be impossible to estimate said profit, a fine of from 325 to 3,250 pesetas shall be imposed upon him.

CHAPTER V.

FRAUDS.

SECTION I.—*Absconding and criminal failure and insolvency.*

ART. 547. He who shall abscond with his property for the purpose of defrauding his creditors shall be punished with the penalty of *presidio mayor*, if he were a merchant, and otherwise with that of *presidio correccional* in its maximum degree to *presidio mayor* in its medium degree.

ART. 548. The bankrupt merchant who should be declared guilty of fraudulent insolvency in accordance with the Code of Commerce, shall be punished with the penalty of *presidio correccional* in its maximum degree to *presidio mayor* in its medium degree.

ART. 549. The bankrupt merchant who should be declared guilty of culpable insolvency through any of the causes mentioned in article 1005 of the Code of Commerce, shall incur the penalty of *prisión correccional* in its minimum and medium degrees.

Bankrupt merchants who should not have kept books of account in the manner and with all the requisites prescribed in the second section of Title II, Book I, of the Code of Commerce, if, owing to the defects and omissions therein, prejudice should have resulted to a third person, and those who should not have declared themselves in bankruptcy within the period and in the manner prescribed in article 1017 of said code, shall be punished with the penalty of *arresto mayor*.

ART. 550. In the cases of the two preceding articles, if the loss occasioned to the creditors should not reach 10 per cent of the respective credits, the penalties next lower than those prescribed in said articles shall be imposed upon the bankrupt.

If the loss should exceed 50 per cent, the penalties prescribed in the said articles shall be imposed in their maximum degrees.

ART. 551. The penalties prescribed in the three preceding articles

are applicable to merchants, even if not registered, if they are habitually engaged in trade.

ART. 552. Those who shall commit any of the acts mentioned in article 1010 of the Code of Commerce shall be punished as accomplices in the crime of fraudulent insolvency.

ART. 553. The bankrupt not a merchant whose insolvency should be the result, in whole or in part, of any of the following causes, shall incur the penalty of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree:

1. To have had domestic personal expenses in excess of and out of proportion to his means, considering the circumstances of his rank and family.

2. To have lost in any kind of games sums in excess of what an orderly father of family should risk by way of recreation in that sort of entertainment.

3. To have suffered losses in heavy bettings, fictitious purchases and sales, or in any other exchange transactions whose success depends exclusively on chance.

4. To have disposed of goods at a notable loss whose purchase price was still unpaid.

5. To delay in declaring his bankruptcy when his liabilities are three times his assets.

ART. 554. The bankrupt, not a merchant, whose insolvency should have resulted in whole or in part from any of the following acts, shall incur the penalty of *presidio correccional* in its maximum degree to *presidio mayor* in its minimum degree:

1. From having included fictitious expenses, losses, or debts, or concealed properties or rights in the statement of liabilities, the report of his assets, or the reports presented by him to the judicial authority.

2. From having appropriated or diverted properties belonging to others which had been placed on deposit with him or given him on commission or for his management.

3. From having simulated the alienation or any encumbrance of, property, debts, or obligations.

4. From having acquired properties for a valuable consideration in the name of another person.

5. From having anticipated, to the prejudice of creditors, payments not due until a period after the declaration of bankruptcy.

6. From having diverted after the declaration of bankruptcy securities belonging to the assets.

ART. 555. The provisions contained in article 550 are applicable to the two preceding articles.

ART. 556. The following shall be punished as accomplices in the crime of fraudulent insolvency committed by a debtor not engaged in commerce who shall perform any of the following acts:

1. Enter into an understanding with the bankrupt who is not a merchant in order to create a fictitious liability as against him, or to increase any liability of his, or to alter its character or date, for the purpose of obtaining preference in fraud of the other creditors, even though this should take place before the declaration of bankruptcy.

2. Assist the bankrupt who is not a merchant in the concealment or conveyance of his property.

3. Conceal from the trustees of the bankrupt who is not a merchant the existence of property belonging to him which was in the possession of the culprit, or delivered to the bankrupt instead of to said trustees.

4. Make private agreements with the bankrupt who is not a merchant in fraud of other creditors.

ART. 557. The penalties prescribed in this chapter shall be imposed in their maximum to their minimum degrees upon the bankrupt who is or is not a merchant who should not restore any deposit made with him under stress or necessity (*deposito miserable ó necesario*).

SECTION II.—*Swindles and other false pretenses.*

ART. 558. A person who shall defraud another in the substance, quantity, or quality of things he may deliver to him by virtue of an obligation shall be punished:

1. With the penalty of *arresto mayor* in its minimum and medium degrees, if the fraud should not exceed 250 pesetas in amount.

2. With that of *arresto mayor* in its medium degree to *presidio correccional* in its minimum degree if it should exceed 250 pesetas and not be more than 6,250 pesetas.

3. With that of *presidio correccional* in its minimum and medium degrees if it should exceed 6,250 pesetas.

ART. 559. The following shall incur the penalties of the preceding article:

1. He who shall defraud others by using a fictitious name, by assuming fictitious power, influence, or attributes, or by pretending to possess imaginary property, credit, commission, enterprises, or business, or by using any other similar deceit that is not one of those mentioned in the following cases.

2. The silversmiths and jewelers who shall commit a fraud by altering the quality, alloy, or weight of articles pertaining to their art or commerce.

3. The traders who shall defraud others by using short weights or measures in the sale of the objects of their traffic.

4. Those who shall commit a fraud under the false pretext of having had to pay an unlawful gratuity to public employees, without prejudice to the action for calumny pertaining to the latter.

The penalties shall be imposed in their maximum degrees on the persons mentioned in the three preceding numbers.

5. Those who, to the prejudice of another, shall appropriate or misapply any money, goods, or any kind of personal property which they may have received as a deposit on commission, administration, or in any other character producing the obligation to deliver or return the same, or who shall deny having received it.

The penalties shall be imposed in their maximum degrees in case of deposits made under stress or necessity.

6. Those who shall commit any fraud by taking advantage of another's signature in blank and by means thereof filling up any document to his prejudice, or that of a third person.

7. Those who shall commit fraud by causing another to subscribe a document by the use of deceit.

8. Those who shall employ fraud in gambling in order to insure winning.

9. Those who shall commit fraud by withdrawing, concealing, or destroying, in whole or in part, any process, record, document, or any other paper of any character whatsoever.

If the same crime should be committed without the intent to defraud, a fine of from 325 to 3,250 pesetas shall be imposed on the author.

ART. 560. The crimes referred to in the three preceding numbers shall be punished with the penalty respectively higher by one degree, if the culprits should be two or more times recidivists in the same or a similar kind of crime.

ART. 561. He who, pretending to be the owner of real property, should convey, rent, encumber, or pledge it, shall be punished with the penalty of *arresto mayor* in its minimum and medium degrees, and a fine of from an amount equal up to three times the amount of the loss he may have caused.

The same penalty shall be incurred by the person who shall dispose of any property as free and clear knowing it to be encumbered.

ART. 562. The following shall incur the penalties prescribed in the foregoing article:

1. The owner of any personal property who shall abstract it from the person who has it legitimately in his possession to the prejudice of the same or of a third person.

2. He who shall execute a fictitious contract to the prejudice of another.

ART. 563. Those who shall commit any fraud with regard to literary or industrial property shall also incur the penalties prescribed in article 561.

ART. 564. A person who, by taking advantage of the inexperience or passions of a minor, should induce him to execute to his prejudice any obligation, discharge, or transfer of property rights, in consideration of a loan of money, a credit, or other personal property,

whether the loan clearly appears or is clothed in another form, shall be punished with the penalties of *arresto mayor* and a fine of from 10 to 50 per cent of the amount of the obligation incurred by the minor.

ART. 565. He who shall defraud or prejudice another by employing any deceit not specified in the preceding articles of this section, shall be punished with a fine of an amount equal up to one double that of the loss occasioned, and in case of a repetition, with a fine of double the amount, and *arresto mayor* in its medium to its maximum degree.

CHAPTER VI.

PLOTS TO ALTER THE PRICES OF THINGS.

ART. 566. Those who shall request for a gift or promise in consideration of not taking part in a public auction, and those who shall attempt to keep away any bidders therefrom, by means of threats, gifts, promises, or any other artifice, for the purpose of altering the price to be obtained from the sale, shall be punished with a fine of from 10 to 50 per cent of the value of the things auctioned, unless they should have deserved a severer fine by reason of the threats or other means employed.

ART. 567. Those who wrongfully combine to enhance or lower the price of labor or regulate its conditions wrongfully, provided such combination has begun to be carried into effect, shall be punished with the penalty of *arresto mayor*.

This penalty shall be imposed in its maximum degree on the leaders and promoters of the combination, and on those who shall employ violence or threats to insure its success, unless they deserve a higher penalty by reason thereof.

ART. 568. Persons who, by spreading false rumors, or by using any other artifice, should succeed in altering the natural prices resulting from free competition in merchandise, stocks, public or private securities, or any other things which may be the subjects of trade, shall be punished with the penalties of *arresto mayor* and a fine of from 1,250 to 12,500 pesetas.

ART. 569. If the fraud mentioned in the foregoing article should relate to food stuffs or other objects of primary necessity, the penalty shall be imposed in its maximum degree.

For the imposition of this penalty it shall suffice that the combination should have commenced to be carried out.

CHAPTER VII.

PAWNBROKING ESTABLISHMENTS.

ART. 570. A person who, being engaged in the business of making loans upon pledges, salaries, or wages, shall not keep books of account and enter therein, without leaving blank spaces or interlining, the

amounts loaned, their terms or interest, the names and residences of those who receive them, the nature, quality, and value of the articles pledged and the other circumstances required by the regulations, shall be punished with a fine of from 1,250 pesetas to 12,500 pesetas.

ART. 571. A pawnbroker who shall not give a receipt for the pledge or security received shall be punished with a fine of from double to five times its value.

CHAPTER VIII.

ARSON AND OTHER MALICIOUS DESTRUCTION OF PROPERTY.

ART. 572. The following shall be punished with the penalty of *cadena temporal* in its maximum degree to *cadena perpetua:*

1. Those who shall set fire to an arsenal, dockyard, warehouse, establishment for the manufacture of gunpowder or military fireworks, park of artillery, archives, or general museum of the State.

2. Those who shall set fire to a moving passenger train or a vessel away from port.

3. Those who shall set fire in a populous place to a storehouse containing inflammables or explosives.

4. Those who shall set fire to a theater, church, or other edifice devoted to meetings, if a number of people shall have gathered therein.

ART. 573. Those who shall set fire to any edifice, farmhouse, hut, shed, or vessel in port, with knowledge that one or more persons were within the same, shall be punished with the penalty of *cadena temporal* to *cadena perpetua.*

ART. 574. The penalty of *cadena temporal* shall be imposed:

1. Upon those who shall set fire to a public edifice, if the damage caused exceeds 6,250 pesetas.

2. Upon those who shall set fire to an inhabited house or any edifice whatsoever, in which several persons habitually meet, not knowing whether or not there were people therein, or a moving freight train if the damage caused in said cases should also exceed 6,250 pesetas.

ART. 575. The following shall be punished with the penalty of *presidio mayor:*

1. Those who shall commit any of the crimes included in the preceding article, if the amount of the injury caused should not exceed 6,250 pesetas.

2. Those who shall set fire to a house not destined for a dwelling or meeting place, but in a populous district, if the amount of the damage caused should exceed 6,250 pesetas.

3. Those who set fire to sugar mills, cane fields, or other similar plantations, if the damage caused should exceed 6,250 pesetas.

ART. 576. If the damage caused in the cases of Nos. 2 and 3 of the foregoing article should not exceed 6,250 pesetas, but should be more than 650, there shall be imposed upon the culprit the penalty of *presidio correccional* in its medium and maximum degrees.

If it should not exceed 650 pesetas the penalty of *presidio correccional* in its minimum and medium degrees shall be imposed.

ART. 577. The following shall be punished with the penalty of *presidio correccional* in its maximum degree to *presidio mayor* in its medium degree if the damage caused shall exceed 6,250 pesetas:

1. Those who shall set fire to an edifice used as a dwelling in an uninhabited place.

2. Those who shall set fire to grain, pastures, woods, or plantings.

ART. 578. If the damage caused in any of the cases of the foregoing article should exceed 650, but not be more than 6,250 pesetas, the penalty shall be that of *presidio correccional* in its medium degree to *presidio mayor* in its minimum degree.

ART. 579. If it should not have amounted to 650 pesetas, the penalty next lower by one degree shall be imposed, provided fire should have been set to a building; and that lower by two degrees if it should have been set to grain, pasture lands, woods, or plantings.

ART. 580. When, by reason of having set fire to grain, pasture lands, woods, or plantings, there should have been danger of its spreading, on account of other properties being adjacent to those on fire, there shall be imposed a penalty higher by one degree than that prescribed for the crime.

ART. 581. Setting fire to things not included in the preceding articles shall be punished:

1. With the penalty of *arresto mayor* in its medium and maximum degrees, if the damage caused did not exceed 125 pesetas.

2. With the penalty of *arresto mayor* in its maximum degree to *presidio correccional* in its minimum degree, if the damage caused should exceed 125 but not be more than 1,250 pesetas.

3. With that of *presidio correccional* in its minimum and medium degrees, if the damage caused should exceed 1,250 and not exceed 6,250 pesetas.

4. And with that of *presidio correccional* in its medium and maximum degrees if it should exceed 6,250 pesetas.

ART. 582. In case of fire having been set to huts, ricks, or sheds that are unoccupied, or to any other object whose value does not exceed 625 pesetas, at a time or under circumstances that manifestly exclude any danger of its spreading, the culprit shall not incur the penalties prescribed in this chapter, but those he may deserve for the damage caused, in accordance with the provisions of the following chapter.

ART. 583. The following shall, respectively, incur the penalties of this chapter: Those who shall cause destruction of property by the sinking or stranding of a vessel; by causing an inundation; the explosion of a mine or steam engine; by removing rails from a railroad; by changing maliciously the signals employed in the service of the latter for the safety of moving trains; by the destruction of telegraph wires and poles; and, in general, by the employment of any other agency or medium of destruction as powerful as those mentioned.

ART. 584. A person guilty of the burning or damage of another's property shall not be exempted from the penalties imposed in this chapter even though in order to commit the crime he may have burned or damaged property of his own.

ART. 585. If the things set on fire belonged exclusively to the incendiary, there shall be imposed upon him the penalty of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree, if the fire should either have been caused with intent to defraud the rights of a third person or to cause him any prejudice; or if, even without this intention, such prejudice had been caused him, or if the thing set on fire should have been a building in a populous spot.

CHAPTER IX.

DAMAGE TO PROPERTY.

ART. 586. Those who cause any damage to property of another not specified in the preceding chapter, are guilty of injuries to property and subject to the penalties of this chapter.

ART. 587. Those shall be punished with the penalty of *prisión correccional* in its minimum and medium degrees who shall cause damage to property exceeding in amount 6,250 pesetas:

1. With the intention of hindering the free action of the authorities or in revenge for their decisions, whether the crimes were committed against public employees or against individuals who had assisted or could assist, as witnesses or in any other manner, in the enforcement or application of the laws.
2. By introducing in any manner whatsoever infection or contagion among cattle.
3. By employing poisonous or corrosive substances.
4. By a gang or in a deserted spot.
5. Within an office for the keeping of archives or registry.
6. Upon bridges, roads, promenades, or other places of common public use.
7. By ruining of the person injured.

ART. 588. He who, under any of the circumstances mentioned in

the foregoing article, shall cause damage exceeding 125 pesetas but not more than 6,250 pesetas, shall be punished with the penalty of *arresto mayor*.

ART. 589. The burning or destruction of papers or documents, the value of which can be estimated, shall be punished according to the provisions of this chapter. If the value can not be estimated, with the penalties of *arresto mayor* in its maximum degree to *prisión correccional* in its medium degree and a fine of from 625 to 6,250 pesetas.

The provisions of this article are to be considered as applicable if the deed should not constitute another graver crime.

ART. 590. The damage to property not included in the preceding articles, amounting to more than 125 pesetas, shall be punished with a fine of an amount equal up to three times that of the damage, never being less than 200 pesetas.

This determination is not applicable to damages caused by cattle and others, which must be classed as misdemeanors according to the provisions of Book III.

The provisions of this chapter shall only be applicable when a higher penalty is not proper for the crime according to the provisions of article 535.

CHAPTER X.

GENERAL PROVISIONS.

ART. 591. The following are exempt from criminal liability and subject only to civil liability for the thefts, frauds, or damages that they may reciprocally cause each other:

1. Spouses, ascendants, and descendants, or relations by affinity in the same line.
2. The widowed spouse, with regard to the things belonging to the deceased spouse while they have not passed into the possession of another.
3. Brothers and brothers-in-law, if they live together.

The exceptions of this article are not applicable to any strangers who shall share in the offense.

TITLE XI.

RECKLESS NEGLIGENCE.

ART. 592. He who shall execute through reckless negligence an act that, if done with malice, would constitute a grave crime, shall be punished with the penalty of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree, and with *arresto mayor* in its minimum and medium degrees if it shall constitute a less grave crime.

He who, in violation of the regulations, shall commit a crime through simple imprudence or negligence, shall incur the penalty of *arresto mayor* in its medium and maximum degrees.

In the application of these penalties the courts shall proceed according to their discretion, without being subject to the rules prescribed in article 80.

The provisions of this article shall not be applicable if the penalty prescribed for the crime is equal to or less than those contained in the first paragraph thereof, in which case the courts shall apply the next one thereto in the degree which they may consider proper.

BOOK III.

MISDEMEANORS AND THEIR PENALTIES.

TITLE I.

MISDEMEANORS AGAINST PUBLIC ORDER.

ART. 593. Whosoever shall throw stones at or soil statues or paintings, or cause any damage whatsoever to the streets, parks, gardens, or promenades or appliances for public lighting, or to objects of adornment or of public utility or amusement, even though belonging to individuals, shall be punished with a fine of from double to four times the amount of the damage caused, if the act itself should not, on account of its gravity, be included in Book II of this code.

The same penalty shall be incurred by those who in any manner whatsoever shall violate rules concerning the embellishment of cities.

ART. 594. The following shall be punished with the penalty of arrest of from one to ten days and a fine of from 15 to 125 pesetas:

1. Those who shall disturb acts of worship, or offend the religious sentiments of those attending the same, in any manner not foreseen in Section III, Chapter II of Book II of this code.

2. Those who by exhibiting prints or engravings or by means of other acts shall offend against good morals and customs without committing a crime.

ART. 595. Those who, within towns or in a public or frequented place, shall discharge firearms, rockets, petards, or other projectiles that may cause alarm or peril, shall be punished with the penalty of arrest of from one to five days and a fine of from 15 to 125 pesetas.

ART. 596. The following shall be punished with penalties of from one to fifteen days and a fine of from 70 to 200 pesetas:

1. Those who shall lightly disturb order at the sessions of a superior or inferior court, on the occasion of public acts, spectacles, solemnities, or at largely attended meetings.

2. The subordinates of the civil branch of the administration who shall not observe the proper respect and submission due their superiors, when a higher penalty should not be prescribed in this code or in other laws.

ART. 597. The following shall be punished with a fine of from 15 to 125 pesetas and censure:

1. Those who shall institute or take an active part in "callithumpian concerts" or other tumultuous meetings, thereby offending any person or disturbing public tranquillity.

2. Those who in rounds, or other nocturnal revelries shall, without committing a crime, disturb public order.

3. Those who shall cause disturbance or scandal through their drunkenness.

4. Those who, without being included in other provisions of this code, shall lightly disturb public order by using means that naturally would produce alarm or disturbance.

5. Those who shall lack in the respect and consideration due to the authorities, or shall disobey them lightly, by failing to comply with the special orders that they may give them, provided such want of respect or disobedience should not constitute a crime.

6. Those who shall offend the agents of the authorities in the exercise of their functions in a manner not constituting a crime, and likewise those who shall disobey them on similar occasions.

7. Those who shall not give the authorities such aid as they may call for in cases of crime, fire, shipwreck, inundation, or other calamity, should they have been able to do so without damage or personal risk.

ART. 598. Those who shall conceal their true names, residence, status, or place of domicile, either from the authorities or from any public official who should ask it by virtue of his office, shall be punished with a fine of from 70 to 200 pesetas.

ART. 599. The following shall be punished with a fine of from 15 to 125 pesetas:

1. Those who shall practice a profession that requires a diploma, without possessing one.

2. Those who, in violation of the orders of the authorities, shall appear in public wearing masks at a time when it is not permitted to do so.

3. Those who carry arms without permission to do so.

TITLE II.

MISDEMEANORS AGAINST PUBLIC INTEREST AND THE GOVERNMENT OF TOWNS.

ART. 600. The following shall be punished with penalties of from one to ten days of arrest or a fine of from 15 to 125 pesetas:

1. Those who shall refuse to receive lawful money in payment.

2. Those who, having received in good faith counterfeit money, shall spend it in a sum less than 325 pesetas and more than 70 after knowing of its falsity.

3. The traders or vendors who shall keep measures or weights artfully contrived to defraud, or who in any manner whatsoever shall

violate the rules established for the making of standard weights and measures in the guild to which they belong.

4. Those who shall defraud the public in the sale of goods, whether in quantity or quality, by any means whatsoever not expressly penalized.

5. Traders or vendors in whose possession any food stuffs shall be seized lacking in the proper weight, measure, or quality.

ART. 601. The following shall be punished with penalties of from five to fifteen days of arrest and a fine of from 70 to 200 pesetas:

1. Those who shall spread false rumors or use any other unlawful artifice in order to alter the natural price of things, if the act should not constitute a crime.

2. Those who shall violate the police rules tending to insure the supplying of towns.

ART. 602.[1] Those who in public places or establishments shall start or take part in any kind of games not for pure pastime and recreation shall incur a fine of from 15 to 70 pesetas.

ART. 603.[2] The following shall be punished with a penalty of from five to fifteen days of arrest and a fine of from 70 to 200 pesetas in cases not included in Book II:

1. Pharmacists who shall dispense medicines of bad quality.

2. The owners or persons in charge of eating houses, confectionery stores, bakeries, or other similar establishments who shall sell or serve adulterated or altered drinks or articles of food injurious to health, or who shall not observe in the use and care of vessels, measures, and utensils the established rules or ordinary precautions, when the act does not constitute a crime.

ART. 604. The following shall be punished with a fine of from 15 to 70 pesetas and censure:

1. Those who shall bathe without regard to the rules respecting decency or safety established by the authorities.

2. Those who shall violate the sanitary police regulations regarding prostitution.

3. Those who shall violate the rules issued by the authorities at times of epidemics or contagious diseases.

4. Those who shall violate the regulations, ordinances, and proclamations relating to epidemics among animals, the extinction of locusts, or any other similar plague.

5. Those who shall violate the sanitary rules established by the authorities regarding the carrying of corpses and their interment in cases not provided for in Book II.

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[1] See Order No. 118, Headquarters Division of Cuba, July 24, 1899, page 136, and No. 230, December 4, 1899, page 137.

[2] See General Orders, Nos. 151, Headquarters of Porto Rico, September 27, 1899, page 146, and 87, April 25, 1900, page 148.

6. Those who shall desecrate corpses, cemeteries, or places of burial by actions or deeds not constituting a crime.

7. Those who shall throw dead animals, garbage, or refuse in the streets and public places where it is forbidden to do so, or who shall pollute fountains or watering places.

8. Those who shall violate the police rules or proclamations relating to the manufacture of fetid and unhealthy substances or who shall throw them in the streets.

9. Those who in any other manner not constituting a crime shall violate the regulations, ordinances, or proclamations relating to public sanitation issued by the authorities within the scope of their powers.

ART. 605. The following shall be punished with penalties of from one to five days of arrest or a fine of from 15 to 125 pesetas:

1. Those who shall give public exhibitions or hold any kind of meetings whatsoever without obtaining the proper license, or who should overstep the bounds of the permission granted them.

2. Those who shall open establishments of any kind without the license of the authorities, whenever it should be necessary.

ART. 606. The following shall be punished with penalties of from one to ten days of arrest and a fine of from 70 to 200 pesetas:

1. Those who shall extinguish the public lights, or lights on the outside of buildings, or those over their doors or stairways.

2. Those who shall fail to observe the rules established for public lighting at places where this service is to be furnished by individuals.

ART. 607. The following shall be punished with the penalty of a fine of from 15 to 125 pesetas, or censure:

1. Physicians who, noticing in a person whom they are attending, or in a corpse, indications of poisoning or of some other crime, shall not immediately notify the authorities, provided that in view of the circumstances they should not have incurred a greater liability.

2. Those charged with the custody or safe-keeping of a lunatic who shall allow him to wander through the streets and public places without proper surveillance.

3. The owners of fierce and dangerous animals who shall let them loose, or in the way of doing harm.

4. Those who shall violate the regulations, ordinances, or proclamations relating to public conveyances.

5. Those who shall ride or drive saddle animals or carriages through the streets, promenades, and other public places, endangering passers-by, or in violation of the ordinances and proclamations relating to good order.

6. Those who shall obstruct the sidewalks, streets, and public places by their acts or with wares of any kind.

7. Those who shall throw into the street or a public place water, stones, or other objects which might cause damage to persons or things,

provided that a greater penalty should not be prescribed for the deed on account of its seriousness or character.

8. Those who keep in places on the outside of their dwellings overhanging the streets or public way, objects that threaten to cause damage to passers-by.

ART. 608. The following shall be punished with a fine of from 15 to 125 pesetas:

1. The owners of eating houses, inns, and other establishments for the reception of guests who shall fail to give to the authorities the reports and information prescribed by the regulations, ordinances, or proclamations at the time and in the manner prescribed therein.

2. The domestic servants, grooms, and employees who shall fail to comply with the provisions established by the authorities for public assurance and security.

ART. 609. The following shall be punished with a penalty of from 70 to 200 pesetas:

1. Those who shall violate the rules established for avoiding the spread of fire from steam engines, boilers, ovens, stoves, chimneys, or other similar places, or who shall place or construct said objects in violation of the regulations, ordinances, or proclamations, or who shall fail to clean or take care of them, thereby causing damage of fire.

2. Those who in violation of the orders of the authorities shall neglect to repair buildings about to collapse or having a bad appearance.

3. Those who shall violate the rules of safety concerning the deposit of any materials, the digging of wells or excavations.

4. Those who shall violate the regulations, ordinances, or proclamations of the authorities relating to the manufacture and safe-keeping of inflammable or corrosive materials or chemical products liable to cause damage.

TITLE III.

MISDEMEANORS AGAINST THE PERSON.

ART. 610. Those who shall cause physical injuries that prevent the injured person from working for from one to seven days, or make medical attendance necessary for a similar period, shall be punished with the penalty of *arresto mayor*.

If the offender should be a son, pupil, or slave of the person injured, the maximum degree of the penalty shall be imposed, whatever be the other attendant circumstances.

ART. 611. The following shall be punished with a penalty of from five to fifteen days of arrest and censure:

1. Those who shall cause physical injuries that do not prevent the person injured from devoting himself to his customary labors, nor require medical attendance.

2. Husbands who shall maltreat their wives, even though they do not cause them injuries of the character mentioned in the foregoing paragraph.

3. Wives that are disobedient to their husbands, who shall maltreat them bodily, or by speech.

4. Spouses who shall cause a scandal by their domestic dissensions after having been warned by the authorities, if the deed should not be included in Book II of this code.

5. Fathers of families who shall forsake their children by not giving them the education corresponding to their condition in life, and such as their means will permit.

6. Guardians, tutors, or persons in charge of a minor under 15 years of age who shall disobey the provisions regarding obligatory primary instruction, or who shall abandon the care of his person.

7. Sons of a family who should be lacking in the respect and submission due their parents.

8. Wards who should commit the same fault with regard to their guardians.

9. Those who finding an abandoned child under 7 years of age in danger of its life do not turn it over to the authorities or to its family.

10. Those who in the relinquishment of infants shall break the rules or customs established in their respective locality and those who shall fail to take to a foundling asylum or safe place any infant that they shall find abandoned.

11. Those who shall not succor or help a person whom they may meet in an uninhabited place, wounded or in danger of perishing, if they could do so without their own detriment, unless such omission should constitute a crime.

12. Those with regard to whom, in the case of the brawl defined in article 418 of this code, it shall appear that they had used violence of any kind against the person of the one injured, provided that but slight injuries were inflicted upon the latter, and that the author were unknown.

ART. 612. The following shall be punished with penalties of from one to five days of arrest, or a fine of from 15 to 125 pesetas:

1. Those who shall beat or bodily illtreat another, or abuse him by speech without causing him any physical injury.

2. Those who, without being included in other provisions of this code, shall threaten another with weapons, or draw him into a quarrel, unless in self-defense.

3. Those who shall threaten another by words and in the heat of anger with an injury that would constitute a crime, and who by their subsequent actions show that they persisted in the intention which they gave utterance to in their threat, provided that, in view of the

circumstances of the deed, it shall not be included in Book II of this code.

4. Those who by word of mouth threaten to cause another an injury that would not constitute a crime.

5. Those who shall cause another any unjust duress or vexation not punished in Book II of this code.

ART. 613. The following shall be punished with a fine of from 15 to 125 pesetas and censure:

1. The director of a newspaper in which false statements shall have been made, should he refuse to insert gratis within the term of three days the answer addressed to him by the offended person or by his authorized representative, correcting or explaining the same, provided that said rectification, however, does not exceed in length double that of the false item or article.

In case of the absence or death of the person offended, his children, parents, brothers, and heirs shall have the same right.

2. Those who, by means of printing, lithography, or any other means of publication, shall maliciously divulge facts relating to a person's private life, that without constituting outrages should nevertheless cause prejudice or serious trouble in the family to whom the report refers.

3. Those who shall lightly offend another by act or word, if the offended person should complain; his pardon shall extinguish the penalty.

4. Those who, being called upon by another, in order to avoid a greater evil, should fail to give the assistance requested, provided that no prejudice would have resulted to them.

5. Those who, through mere imprudence or negligence, without committing a violation of the regulations, shall cause an injury which, if done with malice, would constitute a crime or misdemeanor.

TITLE IV.

MISDEMEANORS AGAINST PROPERTY.

ART. 614. Those who for gain or lucre shall interpret dreams, make prognostications or divinations, or take advantage of the public credulity in any other similar manner, shall be punished with the penalty of *arresto menor*, if the act should not be punished in Book II of this code.

ART. 615. The following shall be punished with a penalty of from one to fifteen days of *arresto menor:*

1. Those who shall trespass upon another's estate or fields to gather fruits and eat them on the spot.

2. Those who, in the same manner, shall take fruits, grains, or other products to give them on the spot to horses or cattle.

3. Those who, without the owner's permission, should trespass upon estates or fields before the crops have been completely removed, for the purpose of utilizing the gleanings or any other remnants of the crop.

4. Those who shall trespass upon the inclosed or fenced estate of another, if trespassing thereon were forbidden by a notice.

ART. 616. The following shall be punished with a fine of from 15 to 125 pesetas:

1. Those who shall enter another's inclosed estate to hunt or fish, or fields where trespassing is forbidden, without the owner's permission.

2. Those who under any pretext or for any reason whatsoever shall cross nurseries or sown ground, with whatever intent or pretext.

3. Those who in hunting or fishing on public grounds or of common use shall employ any of the means prohibited by any of the ordinances.

ART. 617. A fine of 10 pesetas shall be imposed for the simple act of trespassing upon another's walled and fenced grounds without the owner's permission.

ART. 618. The following shall be punished with a fine of from 70 to 200 pesetas:

1. Those who, while in charge of carriages, horses, or harmful animals should commit any of the excesses foreseen in the two foregoing articles, unless by reason of the damage caused they should deserve a higher penalty.

2. Those who shall destroy or tear to pieces any hut, shed, hedges, fences, palings, or other protections to property.

3. Those who shall cause damage by throwing upon property stones, articles, or projectiles of any kind from without the same.

ART. 619.[1] The owner of cattle trespassing upon another's estate and causing damage exceeding 15 pesetas shall be punished with a fine for each head of cattle:

1. Of from 2 to 5 pesetas for horned cattle.

2. Of from 1 to 3 pesetas for horses, mules, or asses.

3. Of from 50 céntimos to 2 pesetas for goats, if the estate were planted with trees.

4. Of from an amount equal to that of the damage caused to one-third more, for sheep or any other kind of animals not included in the foregoing numbers. The same shall be observed if the animals were goats and there were no trees on the grounds.

ART. 620. The owners of the cattle mentioned in numbers 1, 2, and 3 of the foregoing article, which should pass upon another's estate without the owner's permission, without causing damage, or damage

[1] See Gen. Order No. 128, Headquarters Department of Porto Rico, August 24, 1899, page 144.

less than 5 pesetas, shall incur a fine of 10 centimos de pesetas for each head of cattle.

If the estate were inclosed, or should contain vineyards, olive groves, sown land, or other plantings, or if there should be a relapsing on the part of the offender, the fine prescribed in the preceding article shall be imposed according to the cases therein prescribed.

ART. 621. If the cattle should be purposely let in, or stray in through the abandonment or negligence of their owners or herdsmen, besides paying the fines mentioned in the preceding articles, the owners and herders in their respective cases shall undergo from 1 to 30 days of arrest, if a greater penalty should not attach to them as guilty of theft or willful or negligent damage.

If they should relapse into this offense for the third time within a space of thirty days, they shall be tried and punished as guilty of theft or damage, according to Book II.

ART. 622. Those who should cause a fire of any character not penalized in Book II of this Code shall be punished with the penalty of *arresto menor*, or a fine of from 15 to 325 pesetas.

ART. 623. The following shall be punished with a fine of from 15 to 70 pesetas:

1. Those who shall violate the regulations or proclamations relating to good order with regard to the burning of stubble or other vegetation.

2. Those who shall violate the ordinances concerning hunting and fishing.

ART. 624. Those who shall cause any damage in any of the manners specified in this Code, whose amount does not exceed 125 pesetas, shall be punished with the penalty of arrest of from 1 to 5 days, or a fine of from 15 to 70 pesetas.

ART. 625. Those who shall cut trees on another's estate, causing damage not exceeding 125 pesetas, shall be punished with a fine of from double to four times the amount of the damage caused; and if said damage should not consist in cutting down trees, but in cutting branches of firewood, the fine shall be from an amount equal to double that of the damage caused.

ART. 626. Those who in making use of waters belonging to others, or in diverting them from their course shall cause damage, the amount of which does not exceed 125 pesetas, shall incur a fine of from double to four times the amount of the damage caused.

ART. 627. Those who intentionally or through negligence or carelessness shall cause any damage whatsoever not punished in this or in the preceding book, shall be punished with a fine of from one-half the amount of damage caused to an equal amount, if it were possible to estimate it, and otherwise with a fine of from 15 to 200 pesetas.

TITLE V.

PROVISIONS COMMON TO ALL MISDEMEANORS.

ART. 628. In applying the penalties of this book the courts shall proceed, according to their judgment, within the limits of each of them, in view of the circumstances of each case.

ART. 629. Accomplices in misdemeanors shall be punished with the same penalty as the principals, but in its minimum degree.

ART. 630. The following shall always be confiscated:

1. The arms that the offender may have carried in causing any damage or inflicting any injury, provided he displayed them.
2. The imitated, adulterated, or changed beverages or foodstuffs, provided they be noxious to health.
3. The counterfeit money, or falsified, adulterated, or damaged effects, given out as lawful or good.
4. The foodstuffs with regard to which the public is defrauded either in quantity or quality.
5. The false measures or weights.
6. The outfits employed in unauthorized games of chance or raffles.
7. The articles used in divinations or other similar frauds.

ART. 631. The courts shall order the confiscation of the instruments and articles relating to the misdemeanors mentioned in the foregoing article, according to their discretion, in view of the cases and circumstances.

ART. 632. When insolvent persons are punished with fines, they shall be punished with one day's arrest for every 15 pesetas for which they are liable.

If such liability should not amount to 15 pesetas, they shall, nevertheless, be punished with arrest for one day.

They shall also be punished with one day of arrest for ever 15 pesetas as to the other pecuniary liabilities in favor of a third party.

ART. 633. The provisions of this book neither exclude nor limit the powers that by virtue of the municipal laws or any other special laws belong to the officials of the administration in issuing proclamations relating to police and good order, and in the administrative correction of misdemeanors in cases in which their repression may have been confided to them by the said laws and decrees.

FINAL PROVISION.

ART. 634. All the general penal laws existing prior to the promulgation of this Code are hereby repealed, excepting those relating to crimes not subject to its provisions, in accordance with the prescriptions of article 7 and the royal decree of September 29, 1866, ordering the observance of the project of law for the repression and punishment of the slave trade.

We hereby certify that the foregoing translation of the Penal Code in force in Cuba and Porto Rico, is correct.

(Signed) FRANK L. JOANNINI,
Official Translator,
Division of Customs and Insular Affairs, War Department.
(Signed) M. E. BEALL, *Assistant.*

I hereby certify that Frank L. Joannini is the official translator of the Division of Customs and Insular Affairs of the War Department.

(Signed) CLARENCE R. EDWARDS,
Lt. Col. 47th Infy., U. S. V., Chief of Division.

APPENDIX.

MODIFICATIONS OF AND ADDITIONS TO THE PENAL CODE, MADE BY THE MILITARY GOVERNMENT OF CUBA.

No. 67.

HEADQUARTERS DIVISION OF CUBA,
Habana, June 1, 1899.

The military governor of Cuba directs the publication of the following order:

I. So much of the decree of July 20, 1882, as extends the provisions of Article XIV of the Penal Code of Spain to the island of Cuba is hereby revoked.

II. The provisions of Article XII of the Penal Code of Cuba shall apply to all crimes and misdemeanors which may be committed by means of printing, engraving, or other mechanical means of publication.

III. The directors and editors of all periodicals, as well as the printers thereof, whether occupying these positions permanently or temporarily, shall be civily and criminally responsible, under the preceding article, for everything published in such periodicals, while they are acting in the said capacities, and whether or not said writings, drawings, articles, or paragraphs be signed, provided the same be not published in the performance of official duty. The responsibility of the author is in no wise diminished by the terms of this order.

The term printer, as used herein, will be construed to mean the head of any establishment wherein the printing, writing, engraving, or publication has been done.

ADNA R. CHAFFEE,
Brigadier-General, Chief of Staff.

No. 112.

HEADQUARTERS DIVISION OF CUBA,
Habana, July 20, 1899.

The military governor of Cuba directs the publication of the following order:

I. Article 398 of the Penal Code is hereby amended to read as follows:

Any person who bribes a public officer with gifts, presents, offerings, or promises shall receive the same punishment as the officer bribed, except the deprivation of office.

Any person from whom an officer may have received such gift, present, offering, or promise shall be exempt from all punishment, provided he give information of the fact to the proper authorities, with the evidence necessary to prove the same.

II. Article 400 of the Penal Code is hereby amended to read as follows:

Whenever any of the crimes included in this chapter shall have been committed by reason of a demand made by a public officer, the latter shall suffer the penalties provided for in the preceding articles in their maximum degree, and the party who may have acceded to such demand shall suffer the said penalties in their minimum degree.

The simple demand on the part of a public officer, though not followed by actual bribery, shall render such officer liable to punishment under the provisions of the preceding articles.

The provisions of the second paragraph of article 398 shall apply to this article.

In every case included in this chapter the gifts or presents shall be confiscated to the State.

ADNA R. CHAFFEE,
Brigadier-General, Chief of Staff.

No. 118.

HEADQUARTERS DIVISION OF CUBA,
Habana, July 24, 1899.

The military governor of Cuba directs the publication of the following order:

I. Article 602 of the Penal Code is hereby modified to read as follows:

All persons who, in public places or establishments, promote or take part in any game of chance, except purely for recreation or pastime, shall be subject to a fine of from three to fourteen dollars.

All persons who take part in any lottery or unauthorized raffle, or who possess slips or tickets of the same, shall be subject to the same penalty unless the act be included in the greater offense provided for in article 355 of the Penal Code; as well also as those who cause the insertion in the papers or the publication of announcements or notices concerning such lotteries or raffles, and the directors, editors, and printers of the papers publishing the same.

II. Hereafter no application for the establishment or authorization of any lottery will be granted by any municipal, provincial, or other public officer of the island of Cuba.

ADNA R. CHAFFEE,
Brigadier-General, Chief of Staff.

No. 125.

HEADQUARTERS DIVISION OF CUBA,
Habana, July 31, 1899.

The military governor directs the publication of the following order:

Paragraphs 2 and 3 of article 486 of the Penal Code in force in Cuba is hereby modified to read as follows:

No person shall be punished for calumny or libel, except upon complaint of the party or parties offended, whenever the offense is against private individuals, or upon denunciation of the same, whenever it is directed against public authorities or constituted official bodies and corporations of the State, or is included in the offenses defined in Chapter V of Title III of this book. In every case the granting of pardon by the party offended shall stay all criminal action against the offender or remove the penalty, if this may have been already imposed.

ADNA R. CHAFFEE,
Brigadier-General, Chief of Staff.

No. 230.

HEADQUARTERS DIVISION OF CUBA.
Habana, December 4, 1899.

The military governor of Cuba directs the publication of the following order prohibiting the introduction of lottery tickets into the island of Cuba through the medium of the postal service or any other agency whatever:

No person shall bring or cause to be brought into the island of Cuba from abroad, through the mails or through the custom-house, or any other agency whatever, as merchandise, or as part of baggage, or upon the persons of travelers, for the purpose of disposing of the same, any papers, certificates, or other instruments purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, so-called gift concert, or other enterprise offering prizes dependent upon lot or chance, or any advertisement of such lottery, so-called gift concert, or enterprise, under the penalty of confiscation of said papers, certificates, tickets, or other instruments, including advertisements, and punishment for the first offense by a fine of not more than one thousand dollars ($1,000), or by imprisonment for not more than two years, or by both fine and imprisonment; and for the second and subsequent offenses by imprisonment for not more than five years.

ADNA R. CHAFFEE,
Brigadier-General, Chief of Staff.

No. 26.

HEADQUARTERS DIVISION OF CUBA,
Habana, January 18, 1900.

The military governor of Cuba, upon the recommendation of the secretary of justice, directs the publication of the following order:

I. Hereafter whatever time prisoners, who may be condemned to any of the correctional or light punishments specified in article 24 of the Penal Code, may have been held in provisional imprisonment shall be counted as a part of their term of service and deducted therefrom.

II. A like deduction, but limited to one-half the period of provisional imprisonment, shall be made in favor of prisoners sentenced to any of the punishments known as "exemplary punishment" (*pena aflictiva*) in article 24 of the Penal Code.

ADNA R. CHAFFEE,
Brigadier-General, Chief of Staff.

No. 116.

HEADQUARTERS DIVISION OF CUBA,
Habana, March 17, 1900.

The military governor of Cuba, upon the recommendation of the secretary of justice, directs the publication of the following order:

I. The following shall be guilty of perjury:

(1) All those who willfully state as truth a matter or fact which they know to be false, after having taken an oath (or other affirmative form authorized by law as its equivalent) that they will truly testify, declare, depose, or certify before any competent court, judge, official, or proper person, in any proceedings, civil or criminal, or other case in which said oath (or other affirmative form) shall be administered by law;

(2) All those who, by inducement, persuasion, or force, succeed in making another guilty of perjury, as in the foregoing paragraph.

II. The commission of the crime of perjury shall not be excused on the ground of irregularity in administering the oath (or other affirmative form).

III. Perjury is punishable by imprisonment for a period not less than one nor more than twelve years, except those cases wherein the victim of perjury should have suffered capital punishment, or have begun to serve a term of more than twelve years' confinement; in the former case the imprisonment shall be thirty years at hard labor, and in the latter for a period not less than twelve years and one day, nor more than twenty years.

IV. In all cases when, as a consequence of perjury, an accused per-

son has been condemned to be deprived of his liberty, the punishment imposed on the perjurer shall be equal to the one imposed on the accused.

V. The judge or court, at the time of passing sentence on a perjurer, will take into consideration whether the victim of perjury who may have been condemned shall have or not begun to serve the term imposed.

VI. The provisions of the Penal Code in force regarding false testimony are amended in conformity with this order.

ADNA R. CHAFFEE,
Brigadier-General, U. S. Volunteers, Chief of Staff.

No. 150.

HEADQUARTERS DIVISION OF CUBA,
Habana, April 10, 1900.

The military governor of Cuba, upon the recommendation of the secretary of justice, directs the publication of the following order:

I. Paragraphs 1 and 3 of article 342 of the Penal Code are hereby revoked.

II. Paragraph 4 of article 467 of the Penal Code is amended to read as follows:

"In all cases provided for in this article the implied pardon alone shall discontinue the criminal action or remove the penalty, should this have been already imposed upon the culprit."

ADNA R. CHAFFEE,
Brigadier-General, U. S. Volunteers, Chief of Staff.

No. 165.

HEADQUARTERS DIVISION OF CUBA,
Habana, April 19, 1900.

The military governor of Cuba, upon the recommendation of the secretary of state and government, directs the publication of the following order:

I. On and after the 1st day of June, 1900, cockfighting is hereby prohibited within the limits of the island of Cuba.

II. A fine of five hundred dollars will be imposed upon each and every transgressor of this law.

III. All laws or orders or parts thereof in conflict with this order are hereby revoked.

ADNA R. CHAFFEE,
Brigadier-General, U. S. Volunteers, Chief of Staff.

No. 217.

HEADQUARTERS DIVISION OF CUBA,
Habana, May 28, 1900.

The military governor of Cuba, upon the recommendation of the secretary of justice, directs the publication of the following order:

I. Anyone who maltreats any animal, either by subjecting it to excessive work, or by treating it in an improper manner, shall be punished by imprisonment for a period not exceeding five days or by a fine of not more than twenty-five dollars. The amount of weight that may be transported in vehicles or by each animal shall be fixed by each municipality.

II. Anyone who cruelly beats, tortures, injures, maims, or kills any animal, whether wild or tame, and whether belonging to himself or to another, shall be punished with imprisonment for a period of not less than five days nor more than fifteen, or by a fine of not less than five dollars nor more than fifty. The same penalty shall be imposed upon any person who permits or procures in any way the commission of the acts above mentioned.

III. The penalty provided for in Article II shall also be imposed upon any person who, being the owner, possessor, or having charge or custody of a maimed, diseased, disabled, or infirm animal, abandons it, or leaves it to die in a street, road, or public place, or who allows it to remain more than three hours in a street, road, or public place after he receives notice that said animal is left there disabled.

Any agent or officer of the municipal or rural police, or of any incorporated society for the prevention of cruelty to animals, may lawfully destroy, or cause to be destroyed, any animal found abandoned and not properly cared for, which appears, in the judgment of two reputable citizens called by him to view the same in his presence, to be glandered or diseased past recovery for any useful purpose. Whenever the nature of the disease is such as to involve danger, the agent or officer may destroy the animal without consulting the above-mentioned citizens.

IV. In transporting animals or cattle, railroad companies are charged not to overload the cars, nor continue their confinement in cars for a longer period than twenty-four consecutive hours without unloading the same for rest, water, and feeding, nor shall such animals be kept without water and feeding for over ten consecutive hours. A railway company or an owner, agent, consignee or person in charge of the animals or cattle who commits any of the above acts or allows them to be committed shall be subject to a penalty of not less than twenty-five dollars nor more than two hundred and fifty. Said penalty shall be not applicable whenever the unloading of the animals or cattle for rest, water, or feeding may have been unavoidably prevented; nor

shall the foregoing provision in regard to the unloading of the animals be applied whenever they are carried in cars in which they can and do have proper food, water, and space for rest.

In estimating such confinement, the time during which the animals have been confined on the connecting roads from which the animals have been received, must be computed. If the owner, agent, consignee or other person in charge of such animals refuses or neglects upon demand to pay for the care or feed of any animals while unloaded or rested, as hereinbefore specified, the railway company or other carriers thereof may charge the expenses thereof to the owner or consignee and shall have the right to retain said animals as a lien until the aforesaid expenses are paid.

V. A person who in any way is a witness of or aids or cooperates in the furtherance of any fight between cocks or other birds, bull-fights, or fights between other animals, which may be premeditated by anyone owning or having custody of said birds or animals, shall be punished by a fine not less than ten dollars nor more than five hundred dollars or by imprisonment for a period of not less than one month nor more than six.

VI. Any person violating the laws with regard to cruelty to animals may be arrested and handed over to the proper authorities for trial and punishment.

Whenever any person arrested is, at the time of said arrest, in charge of any animal or of any vehicle drawn by or containing any animal, the police officer or officers making the arrest may take charge of such animal and of such vehicle and its contents and deposit same in some safe place of custody, and all necessary expenses incurred in the care of such property shall be charged to the owner of same.

VII. It shall be the duty of all mayors, assistant mayors, municipal police and rural guards to see to the strict enforcement of the provisions of this order, and failure to do so on their part shall subject them to the same penalty as the offender of the provisions of the order; provided, however, that said penalty shall not extend to imprisonment.

VIII. The officers or agents of any duly incorporated society for the prevention of cruelty to animals shall have power to make arrests of any persons violating the provisions of this order, immediately turning them over to the possession of the police or rural guard for the corresponding punishment. But such officers or agents must for purposes of identification wear the authorized badge of that society, or exhibit evidence of their authority to act as officer or agent thereof.

IX. A second or further violation of any of the provisions of this order will be always punished with imprisonment, except where fine alone is provided for, in which case the maximum fine shall be imposed.

J. B. Hickey,
Assistant Adjutant-General.

No. 239.

HEADQUARTERS DIVISION OF CUBA,
Habana, June 12, 1900.

The military governor of Cuba, upon the recommendation of the secretary of justice, directs the publication of the following order:

Paragraphs 2 and 3 of article 486 of the existing Penal Code, modified by Order No. 125, Headquarters Division of Cuba, July 31, 1899, are hereby further modified to read as follows, and shall have retroactive effect:

ARTICLE 486. No person shall be punished for calumny or libel, except upon complaint of the party or parties offended, whenever the offense is against private individuals, or upon denunciation of the same, whenever it is directed against public authorities or constituted official bodies and corporations of the State, or is included in the offenses defined in Chapter V of Title III of this book. In the first case the granting of pardon by the party offended shall stay all criminal action against the offender or remove the penalty, if this may have been already imposed. In all other cases hereinbefore referred to, after the denunciation has been once made the crime shall be considered public; consequently the Government alone can pardon the offenders condemned for this kind of crime, or declare penal action in such matters ended.

J. B. HICKEY,
Assistant Adjutant-General.

MODIFICATIONS OF AND ADDITIONS TO THE PENAL CODE MADE BY THE MILITARY GOVERNMENT OF PORTO RICO.

GENERAL ORDERS, No. 109. } HDQRS. DEPARTMENT OF PORTO RICO, *San Juan, July 31, 1899.*

The United States provisional court, instituted by General Orders, No. 88, current series, these headquarters, having been vested with jurisdiction over cases arising in Porto Rico under United States Statutes, the following section of these Statutes will apply to this military department (in addition to the existing local law, articles 150 and 249, Penal Code), and are published for the information and guidance of all concerned:

* * * * * * *

SEC. 5336. If two or more persons (in any State or Territory) conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to take, seize, or possess any property of the United States contrary to the authority thereof, each of them shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars, or by imprisonment, with or without hard labor, for a period not less than six months nor more than six years, or by both such fine and imprisonment.

* * * * * * *

SEC. 5283. Every person who, within the limits of the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly is concerned in the furnishing, fitting out, or arming of any vessel with intent that such vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, or issues or delivers a commission within the territory or jurisdiction of the United States for any vessel to the intent that she may be so employed, shall be deemed guilty of a high misdemeanor, and shall be fined not more than ten thousand dollars and imprisoned not more than three years; and every such vessel, her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores which may have been procured for the building and equipment thereof, shall be forfeited, one-half to the use of the informer and the other half to the use of the United States.

* * * * * * *

The following are authoritative opinions relating to the foregoing Statutes:

It is also a well-established principle of American law that if a publication be calculated to alienate the affection of the people by bringing the Government into disesteem, whether the expedient resorted to be ridicule or obloquy, the writer and publisher are punishable; and whether the defendant really intended by his publi-

cation to alienate the affection of the people from the Government or not is immaterial; if the publication be calculated to have that effect it is seditious.

Depredations by our citizens upon nations at peace with the United States, or combinations for committing them, have at all times been regarded by the American Government and people with the greatest abhorrence.

Military incursions by our citizens into countries so situated, and the commission of acts of violence on the members thereof, in order to effect a change in its government, or under any pretext whatever, have, from the commencement of our Government, been held equally criminal on the part of those engaged in them, and so much deserving punishment as would be the disturbance of the public peace by the perpetration of similar acts within our own territory.

No individuals have a right to hazard the peace of the country or to violate its laws upon vague notions of altering or reforming governments in other states.

By command of Brigadier-General Davis:

W. P. HALL, *Adjutant-General.*

GENERAL ORDERS, No. 128. } HDQRS. DEPARTMENT OF PORTO RICO, *San Juan, August 24, 1899.*

In order to avoid as far as possible the annoyance and damage caused by stray animals, it is hereby ordered—

1st. Alcaldes are authorized to impose fines for the benefit of the municipal treasuries upon the owners of stray animals found trespassing upon private property.

2nd. In the investigation of complaints of this character, alcaldes shall institute oral examination of the interested parties and their witnesses. For the purpose of taking such evidence the alcalde is authorized to administer oaths. Against his decision there shall be no appeal.

3rd. Fines imposed by alcaldes pursuant to the foregoing paragraphs shall be as follows:

For the first offence, one ($1) dollar per head.

For the second offence within six months, two ($2) dollars per head.

For each subsequent offence within six months, three ($3) dollars per head.

4th. Persons upon whom fines have been imposed pursuant to the foregoing paragraph who fail to pay the same within three days shall be arrested and confined in municipal jail one day for each dollar which they may fail to pay. Owners of property who suffer damages from stray animals may institute civil action before the proper court for such damages.

5th. A copy of this order in Spanish and in English shall be posted publicly on the door of every alcalde's office, for the information and guidance of all concerned.

6th. All laws or orders in conflict with the foregoing provisions are hereby revoked.

By command of Brigadier-General Davis:

W. P. HALL, *Adjutant-General.*

(See articles 619 et seq.)

GENERAL ORDERS, No. 129. } HDQRS. DEPARTMENT OF PORTO RICO, *San Juan, August 24, 1899.*

1. It having come to the notice of the department commander that the provisions of the penal code of Porto Rico for the prevention of the crime of duelling have for some years past been disregarded by the authorities charged with their enforcement, and that persons have been permitted to engage in this pernicious practice without official interference or punishment, it is hereby announced that according to the spirit of American law and institutions it is a serious offence to challenge another to fight a duel, either by word or letter, or to be the bearer of such challenge, or to endeavor to provoke another to send a challenge, or to aid or abet in provoking or inciting a duel. To act as principal in a duel, or to participate in a duel as a second, attending surgeon, or assistant to either of the principals in a duel, whether either principal is injured or not, is a high misdemeanor.

2. Where one of the parties to a duel is killed, the survivor is guilty of murder, and all who are present aiding and abetting in the act are accomplices.

3. In order that there may be no misunderstanding regarding this matter in future, it is hereby ordered that all persons who participate in duels as challengers, bearers of challenges, or as provoking or endeavoring to provoke challenges to fight duels, shall be guilty of a misdemeanor and shall upon conviction thereof be punished by imprisonment at hard labor in jail for not less than three nor more than six months.

4. All persons who participate as principals, seconds, surgeons, or assistants in duels where there are no resulting wounds or injuries shall upon conviction thereof be punished by confinement at hard labor for not less than six months nor more than one year.

5. All persons who participate in duels either as principals, seconds, surgeons, or assistants, where one of the parties is wounded, shall be deemed guilty of assault with intent to kill and upon conviction thereof will be punished by confinement in the penitentiary at hard labor for not less than one year.

6. All persons participating in duels either as principals, seconds, surgeons, or assistants, where one of the parties is killed or dies as the result of a wound received in said duel, shall be deemed guilty (as principals or accomplices) of murder, and upon conviction thereof shall be punished accordingly.

7. The district courts instituted by General Orders, No. 114, current series, these headquarters, and the United States provisional court instituted by General Orders, No. 88, current series, these headquarters, shall have concurrent jurisdiction over the offences herein described. It is hereby made the duty of all judges and officers connected with the said courts, and of all municipal judges, alcaldes, and

members of the insular and municipal police forces of this island to give immediate information to the nearest court having jurisdiction of any violation of this order.

8. All laws, decrees, or orders now or heretofore existing in conflict with the provisions of the foregoing order are hereby revoked and annulled.

By command of Brigadier-General Davis:

W. P. HALL, *Adjutant-General.*

GENERAL ORDERS, No. 151. } HDQRS. DEPARTMENT OF PORTO RICO, *San Juan, September 27, 1899.*

The following orders are published for the information and guidance of all concerned:

PURITY AND WHOLESOMENESS OF FOODS, DRINKS, DRUGS, AND MEDICINES.

1. Foods and drinks in the meaning of this order are all articles used for food or drink by man, whether simple or compound. The term drug includes all medicines used by man, whether for internal or external use.

2. No adulterated articles of food or drink shall be made or sold in Porto Rico. Articles ordinarily recognized as foods, which are really mixtures, may be sold if marked with the word "mixture" or "compound." No diseased, decomposed, offensive, or unclean article shall be used in the manufacture of any food, drink, or medicine.

3. No person shall sell in Porto Rico any impure, diseased, decayed, or unwholesome provisions, or any adulterated bread, or any food substance mixed with a poisonous substance.

4. No person, whether owner, manager, keeper of, agent, bartender, or clerk in any saloon, restaurant, boarding or eating house in Porto Rico, shall offer for sale any food or drink containing anything poisonous or unwholesome.

5. No person owning, renting, or leasing any stall, room, or stand where milk, meats, vegetables, or groceries are sold as food shall fail to keep said room, stall, or stand in a cleanly condition, nor shall such persons allow such milk, meats, vegetables, or groceries to become poisonous or infected or unfit for food by reason of uncleanly condition of such stall, room, or stand.

6. No person shall offer for sale in Porto Rico any unwholesome, watered, or adulterated milk, or milk produced from cows which are visibly diseased or are kept upon and fed on garbage, swill, or other deleterious substances.

7. No person in Porto Rico shall sell any article of food or drug which is not of the nature, substance, and quality of the article demanded by any purchaser; and no person shall sell any compound

food or drug which is not composed of ingredients in accordance with the demand of the purchaser.

8. No person in Porto Rico shall substract from any article of food any part of it, so as to affect injuriously its quality, substance, or nature; and no person shall sell any article so altered without making disclosure of the alteration.

9. All drugs sold must be of the standard quality and strength prescribed in the Spanish or United States pharmacopœias.

10. All compound, proprietary, patent, or secret remedies sold in Porto Rico shall bear upon the bottle, box, or package an exact formula, stating the constituents of the medicine or remedy.

11. No pharmacist not a legally qualified physician shall prescribe remedies for the sick. Every bottle, box, or package containing any medicine or drug shall be labeled with the name of the same and with the name of the physician who wrote the prescription. Pharmacists shall not sell arsenic, strychnine, or their compounds, or other drugs commonly known as deadly poisons, except upon the prescriptions of legally qualified physicians. Before such sale is made the name of drug and its quantity, the name of the physician prescribing, and also the name of the purchaser shall be entered in a book especially kept for the purpose. The purchaser shall sign his name in a book below the entry made by the druggist. Every bottle, box, or package containing a dangerous drug shall be distinctly labeled "*Poison*," and the person shall be warned of the nature of the article.

12. Violation of the provision of this regulation shall, upon conviction, be punished with a fine of not less than $10 nor more than $200, or imprisonment for not less than five nor more than ninety days, at the discretion of the court.

By command of Brigadier-General Davis:

W. P. Hall, *Adjutant-General.*

General Orders, No. 152. } Hdqrs. Department of Porto Rico, *San Juan, September 29, 1899.*

Upon the recommendation of the judicial board, the following is published for the information and guidance of all concerned:

I. In all cases wherein under the penal code now in force tribunals of justice may impose confinement as a punishment for crime the several courts having jurisdiction to impose such punishment are hereby authorized to add the imposition of hard labor to such punishment during the term of imprisonment wherever, in their judgment, the imposition of such labor may be advisable.

II. The court shall include in its sentence the designation of the jail wherein the prisoners sentenced for terms of less than six months shall serve their imprisonment; but the place of confinement of such

prisoners may be changed by the board of prison control whenever the jail is crowded, or for other good cause.

III. All persons hereafter sentenced by the U. S. provisional or insular courts to imprisonment for a longer term than six months as a punishment for crime shall be imprisoned within the penitentiary at San Juan, and shall be subject during such confinement to all the rules and regulations of said penitentiary.

IV. All laws, orders, or decrees, or parts thereof, inconsistent with the provisions of this order are hereby repealed.

By command of Brigadier-General Davis:

C. H. HEYL,
Major, Inspector-General, U. S. A., Acting Adjutant-General.

GENERAL ORDERS, No. 54. } HDQRS. DEPARTMENT OF PORTO RICO, *San Juan, March 12, 1900.*

I. The following act of Congress, approved February 7th, 1896, is made locally applicable to this department, and is published for the information and guidance of all concerned:

Any person who, in any of the Territories or the District of Columbia, shall voluntarily engage in a pugilistic encounter between man and man or a fight between a man and a bull or any other animal, for money or for other thing of value, or for any championship, or upon the result of which any money or any thing of value is bet or wagered, or to see which any admission fee is charged, either directly or indirectly, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the penitentiary not less than one nor more than five years.

By the term "pugilistic encounter," as used in this bill, is meant any voluntary fight by blows by means of fists or otherwise, whether with or without gloves, between two or more men, for money or for a prize of any character, or for any other thing of value, or for any championship, or upon the result of which any money or any thing of value is bet or wagered, or to see which any admission fee is charged, either directly or indirectly.

II. The district courts instituted by General Orders, No. 118, series 1899, these headquarters, shall have jurisdiction of all violations of this law, subject to the limitations of General Orders, No. 88, series of 1899, these headquarters.

By command of Brigadier-General Davis:

W. P. HALL, *Adjutant-General.*

GENERAL ORDERS, No. 87. } HDQRS. DEPARTMENT OF PORTO RICO, *San Juan, April 25, 1900.*

Upon the recommendation of the superior board of health, paragraphs 10, 11, and 12, of General Orders, No. 151, series of 1899, Headquarters Department of Porto Rico, are hereby revoked, and the following substituted therefor:

10. Paragraph 8, of article 11, of the Spanish tariff law, in force immediately prior to the American occupation of Porto Rico, prohibited the importation of "pharmaceutical preparations or secret remedies of unknown composition, or the formulas of which have not been published." (Aranceles de Aduanas, Disposiciòn Undecima, art. 8.) With a view to carrying out the provisions of this former law, it is hereby ordered that on and after July 1, 1900, all proprietary, patent, or secret remedies sold in Porto Rico, shall bear upon the bottle, box, or package a number which shall correspond with the number on a duly attested formula, stating the constituents of the medicine or remedy, which formula must be deposited in the archives of the superior board of health of Porto Rico. A fee of twenty-five ($25.00) dollars will be paid to the superior board of health of Porto Rico, for the registration of each formula deposited under the provisions of this paragraph, which money, after deducting the necessary expenses of registration, will be turned into the treasury and applied toward the support of the laboratory of the superior board of health.

11. No pharmacist, not a legally qualified physician, shall prescribe for the sick. Every bottle, box, or package containing any medicine or drug, must, when dispensed, be labelled with the name of the same, or if dispensed on prescription, with the number of the prescription and the name of the physician who wrote it, as well as that of the pharmacist who compounded it. Pharmacists will file all prescriptions dispensed by them, and must not sell arsenic, strychnine, or their compounds, or other drugs commonly known as deadly poisons, except upon the prescriptions of legally qualified physicians. Before such sale is made, the name of the drug and its quality, the name of the physician prescribing it, and also the name of the purchaser, shall be entered in a book especially kept for the purpose. The purchaser shall sign his name in the book below the entry made by the druggist. Every bottle, box, or package containing a dangerous drug, shall be distinctly labelled "POISON," and the purchaser shall also be warned of the nature of the article.

12. Violations of any of the provisions of this order, or of any remaining provisions of General Orders, No. 151, series of 1899, these Headquarters, shall, upon conviction, be punished by a fine of not less than ten (10.00) dollars, nor more than two hundred (200.00) dollars, or by imprisonment for not less than five nor more than ninety days, or by both such fine and imprisonment at the discretion of the court. The district courts instituted by General Orders, No. 114, series of 1899, these headquarters, shall have jurisdiction in cases arising under this order, subject to the provisions of General Orders, No. 88, series of 1899, these headquarters.

By command of Brigadier-General Davis:

WM. E. ALMY,
Acting Adjutant-General.

PENALTIES.

The translation of legal words and phrases from Spanish into English presents certain difficulties because Spanish and English procedure are so different. While both have some features in common, there are to be found courts, officials, and methods peculiar to each for which no exact equivalent can be found in the other language. The translator must be constantly on his guard against making an interpretation of law, and should never hesitate in a legal translation to sacrifice, what may be called good English, for fidelity to the original text. It therefore becomes necessary at times to leave the original expression untranslated rather than make a paraphrase of an expression for which there is no exact equivalent.

This feature of legal translation may be illustrated by calling attention to the manner in which Spanish law deals with the subject of penalties. They are divided into corporal (*aflictivas*), correctional (*correccionales*), and light (*leves*). There are penalties common to these three classes and also accessory penalties (*penas accesorias*), fractional penalties (*penas fraccionales*), and composite (*compuestas*), and from these different classes there have been developed in the penal code sixty degrees of penalties.

The penalties *aflictivas* or *correccionales* employed in the penal code, which are included in the general scale of article 24, are comprised in one or more of the six graduated scales of article 90, formed for the purpose of regulating the increase or reduction of certain penalties for crimes committed, frustrated, or attempted, for complicity therein, concealment, and for the purpose of taking into account aggravating or extenuating circumstances.

A simple penalty according to the general scale would be, for example, *arresto mayor*, *prisión correccional*, or banishment. A double penalty is created by the imposition of two or more simple penalties—as, for example, *arresto mayor* and a fine. An alternative penalty leaves the imposition of one, two, or more simple penalties to the discretion of the court—as, for example, *arresto mayor*, banishment, or a fine. Fractional penalties are those which permit the imposition of one or two stated degrees of a given penalty and even of a certain portion or combination of penalties—as, for example, *arresto mayor* in its maximum degree, or *prisión correccional* in its minimum and medium degrees. At other times penalties *compuestas* are imposed, these

being two or more penalties either to their fullest extent or divided—as, for example, *cadena temporal* to *cadena perpetua*, or *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree.

Such varied and multiplied combinations of penalties have given rise to what may be called nine scales and sixty degrees of penalties, as is shown in the following table, while the second table shows the duration of the penalties in all their forms and combinations.

Groups and Scales of Penalties.

In the first group are included the six scales of penalties given in article 90, which are fundamental and necessarily serve as a basis and guide for the rest.

In the second group are included the penalties composed of two or more divisible or indivisible penalties, but indicated in their full extent.

In the third group are included those composed of one or two indivisible penalties and of the maximum degree or of the medium and maximum of a divisible penalty.

In the fourth group are included the penalties formed with three or more degrees of two penalties, subdividing them by the same rule into three, four, or five degrees.

In the fifth group are included the subdivided penalties of three or more degrees.

In the sixth group are included the penalties formed of two degrees of one or two penalties.

In the seventh are included the subdivided penalties of two degrees.

In the eighth group are those with but one degree.

In the ninth group are included the subdivided penalties of one degree.

FIRST GROUP.

[Graduated scales of article 92 of the Code, and which are therefore considered fundamental.]

Scale No. 1.—Death, *cadena perpetua*, *cadena temporal*, *presidio mayor*, *presidio correccional*, *arresto*.

Scale No. 2.—Death, *reclusión perpetua*, *reclusión temporal*, *prisión mayor*, *prisión correccional*, *arresto*.

Scale No. 3.—*Relegación perpetua*, *relegación temporal*, *confinamiento*, banishment, public censure, caution.

Scale No. 4.—Perpetual expulsion, temporal expulsion, *confinamiento*, banishment, public censure, caution.

Scale No. 5.—Perpetual absolute disqualification, temporary absolute disqualification, suspension from public office, the right of suffrage (active and passive), profession, or trade.

Scale No. 6.—Perpetual special disqualification for public office, the right of suffrage (active or passive), profession, or trade; temporary special disqualification for public office, the right of suffrage (active and passive), profession, or trade; suspension from public office, the right of suffrage (active and passive), profession, and trade.

SECOND GROUP.

[Penalties composed of two or more divisible or indivisible penalties to their fullest extent, which in their reduction are governed by the second rule of article 76.]

Scale No. 7.—*Cadena perpetua* to death, *cadena temporal*, *presidio mayor*, *presidio correccional.*

Scale No. 8.—*Reclusión perpetua* to death, *reclusión temporal*, *prisión mayor*, *prisión correccional*, *arresto.*

Scale No. 9.—*Cadena temporal* to *cadena perpetua*, *presidio mayor*, *presidio correccional*, *arresto.*

Scale No. 10.—Temporary absolute disqualification to perpetual absolute disqualification; temporary special disqualification, suspension from public office, the right of suffrage, active and passive, profession or trade.

Scale No. 11.—*Reclusión temporal* to *reclusión perpetua*, *prisión mayor*, *prisión correccional*, *arresto.*

Scale No. 12.—*Reclusión temporal* to death, *prisión mayor*, *prisión correccional*, *arresto.*

THIRD GROUP.

[Penalties composed of one or two indivisible penalties and of the maximum degree (or of the medium and maximum) of a divisible penalty, which in their decrease are governed by the third rule of article 74.]

Scale No. 13.—*Cadena temporal* in its maximum degree to *cadena perpetua; presidio mayor* in its maximum degree to *cadena temporal* in its medium degree; *presidio correccional* in its maximum degree to *presidio mayor* in its medium degree; *arresto mayor* in its maximum degree to *presidio correccional* in its medium degree.

Scale No. 14.—*Cadena temporal* in its maximum degree to death; *presidio mayor* in its maximum degree to *cadena temporal* in its medium degree.

(The decrease follows as in the above; it is the third case of the demonstrative table of article 75.)

Scale No. 15.—Temporary absolute disqualification in its maximum degree to perpetual absolute disqualification; suspension from ——— in its maximum degree to temporary absolute disqualification in its medium degree; fine to suspension in its medium degree.

Scale No. 16.—*Reclusión temporal* in its maximum degree to death; *prisión mayor* in its maximum degree to *reclusión temporal* in its

medium degree; *prisión correccional* in its maximum degree to *prisión mayor* in its medium degree; *arresto mayor* in its maximum degree to *prisión correccional* in its medium degree; fine or *arresto mayor* in its medium degree.

Scale No. 17.—*Relegación temporal* in its maximum degree to *relegación perpetua; confinamiento* in its maximum degree to *relegación temporal* in its medium degree; banishment in its maximum degree to *confinamiento* in its medium degree; public censure to banishment in its medium degree.

Scale No. 18.—*Cadena temporal* in its medium degree to *cadena perpetua; presidio mayor* in its medium degree to *cadena temporal* in its minimum degree; *presidio correccional* in its medium degree to *presidio mayor* in its minimum degree; *arresto mayor* in its medium degree to *presidio correccional* in the minimum degree; fine to *arresto mayor* in its minimum degree.

FOURTH GROUP.

[Penalties composed of three or more degrees of two penalties, which in their decrease are governed by rule fourth of article 74.]

Scale No. 19.—*Arresto mayor* in its maximum degree to *prisión correccional* in its medium degree; fine to *arresto mayor* in its medium degree.

Scale No. 20.—*Presidio correccional* in its maximum degree to *presidio mayor* in its medium degree; *arresto mayor* in its maximum degree to *presidio correccional* in its medium degree; fine to *arresto mayor* in its medium degree.

Scale No. 21.—*Presidio mayor* in its medium degree to *cadena temporal* in its minimum degree; *presidio correccional* in its medium degree to *presidio mayor* in its minimum degree; *arresto mayor* in its medium degree to *presidio correccional* in its minimum degree; fine to *arresto mayor* in its minimum degree.

Scale No. 22.—*Prisión mayor* in its medium degree to *reclusión temporal* in its minimum degree; *prisión correccional* in its medium degree to *prisión mayor* in its minimum degree; *arresto mayor* in its medium degree to *prisión correccional* in its minimum degree; fine to *arresto mayor* in its minimum degree.

Scale No. 23.—Suspension from ——— in its maximum degree to temporary absolute disqualification in its medium degree; fine to suspension from ——— in its medium degree.

Scale No. 24 (of four degrees).—*Arresto mayor* to *prisión correccional* in its minimum degree; fine.

Scale No. 25.—*Confinamiento* in its maximum degree to *relegación temporal;* banishment in its maximum degree to *confinamiento* in its medium degree; public censure to banishment in its medium degree; caution; fine.

Scale No. 26.—Temporary special disqualification in its maximum degree to perpetual special disqualification; suspension from ——— in its maximum degree to temporary special disqualification in its medium degree; fine to suspension in its medium degree.

Scale No. 27.—Suspension in its medium and maximum degrees to temporary absolute disqualification in its medium degree; fine to suspension in its minimum degree.

Scale No. 27.—Suspension in its medium and maximum degrees to temporary absolute disqualification in its medium degree; fine to suspension in its minimum degree.

Scale No. 28 (of five degrees).—*Presidio correccional* to *presidio mayor* in its medium degree; *arresto mayor;* fine.

Scale No. 29.—*Prisión mayor* in its medium degree to *reclusión temporal; prisión correccional* in its medium degree to *prisión mayor* in its minimum degree; *arresto mayor* in its medium degree to *prisión correccional* in its minimum degree; fine to *arresto mayor* in its minimum degree.

FIFTH GROUP.

[Subdivided penalties composed of three or more degrees included in the fourth group, which decrease according to rule 5.]

Scale No. 30.—The minimum degree of *presidio correccional* in its medium degree to *presidio mayor* in the same degree; the minimum degree of *arresto mayor* in its medium degree to *presidio correccional* in its minimum degree; fine (or the minimum degree of fine to *arresto mayor* in its minimum degree).

Scale No. 31.—The maximum degree of *presidio correccional* in its medium degree to *presidio mayor* in its minimum degree; the maximum degree of *arresto mayor* in its medium degree to *presidio correccional* in its minimum; *arresto mayor* in its minimum degree (or the maximum degree of fine to *arresto mayor* in its minimum degree).

Scale No. 32 (of three degrees).—The maximum degree of *presidio correccional* in its maximum degree to *presidio mayor* in its medium degree; the maximum degree of *arresto mayor* in its maximum degree to *presidio correccional* in its medium degree; *arresto mayor* in its medium degree (or the maximum degree of fine to *arresto mayor* in its medium degree).

Scale No. 33 (of three degrees).—The maximum degree of *presidio mayor* in its medium degree to *cadena temporal* in its minimum degree; the maximum degree of *presidio correccional* in its medium degree to *presidio mayor* in its minimum; the maximum degree of *arresto mayor* in its medium degree to *presidio correccional* in the minimum; *arresto mayor* in its minimum degree (or the maximum degree of fine to *arresto mayor* in its minimum degree).

Scale No. 34 (of five degrees).—The maximum degree of *presidio correccional* to *presidio mayor* in its medium degree; the maximum degree of *arresto mayor;* fine.

SIXTH GROUP.

[Divided penalties which are formed with two degrees of one penalty or of two distinct penalties.]

Scale No. 35.—*Confinamiento* in its minimum and medium degrees; banishment in its medium and maximum degrees; public censure to banishment in its minimum degree; caution.

Scale No. 36.—Banishment in its minimum and medium degrees; public censure; caution.

Scale No. 37.—Temporary absolute disqualification in its minimum and medium degrees; suspension in its medium and maximum degrees; fine to suspension in its minimum degree.

Scale No. 38.—*Presidio correccional* in its maximum degree to *presidio mayor* in its minimum degree; *presidio correccional* in its minimum and medium degrees; *arresto mayor* in its medium and maximum degrees; fine (or *arresto mayor* in its minimum degree).

Scale No. 39.—*Presidio mayor* in its minimum and medium degrees; *presidio correccional* in its medium and maximum degrees; *arresto mayor* in its maximum degree to *presidio correccional* in the minimum degree; *arresto mayor* in its minimum and medium degrees; fine.

Scale No. 40.—*Prisión mayor* in its medium and maximum degrees; *prisión correccional* in its maximum degree to *prisión mayor* in its minimum degree; *prisión correccional* in its minimum and medium degrees; *arresto mayor* in its medium and maximum degrees; fine to *arresto mayor* in its minimum degree.

Scale No. 41.—*Reclusión temporal* in its medium and maximum degrees; *prisión mayor* in its maximum degree to *reclusión temporal* in its minimum degree; *prisión mayor* in its minimum and medium degrees; *prisión correccional* in its medium and maximum degrees; *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree; *arresto mayor* in its minimum and medium degrees; fine.

Scale No. 42.—Suspension in its maximum degree to temporary absolute disqualification in its minimum degree; suspension in its minimum and medium degrees; fine.

SEVENTH GROUP.

[Subdivided penalties formed with two degrees of one penalty or of two distinct penalties.]

Scale No. 43.—The minimum degree of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree; the minimum degree of *arresto mayor* in its minimum and medium degrees; fine.

Scale No. 44.—The maximum degree of *presidio correccional* in its maximum degree to *presidio mayor* in its minimum; the maximum degree of *presidio correccional* in its minimum and medium degrees; the maximum degree of *arresto mayor* in its medium and maximum degrees; *arresto mayor* in its minimum degree (or maximum degree of fine to *arresto mayor* in its minimum degree).

Scale No. 45.—Maximum degree of *prisión correccional* in its minimum to medium degrees; maximum degree of *arresto mayor* in its medium and maximum degrees; maximum degree of fine to *arresto mayor* in its minimum degree.

Scale No. 46.—Maximum degree of *prisión correccional* in its medium to maximum degree; maximum degree of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum; maximum degree of *arresto mayor* in its minimum and medium degrees; fine.

EIGHTH GROUP.

[Divided penalties which include but one degree of divisible penalties.]

Scale No. 47.—*Arresto mayor* in its minimum degree; fine.

Scale No. 48.—*Arresto mayor* in its medium degree; fine.

Scale No. 49.—*Arresto mayor* in its maximum degree; fine.

Scale No. 50.—*Cadena temporal* in its maximum degree; *presidio mayor* in its maximum degree; *presidio correccional* in its maximum degree; *arresto mayor* in its maximum degree.

Scale No. 51.—*Confinamiento* in its minimum degree; banishment in its minimum degree; public censure; caution.

Scale No. 52.—Temporary absolute disqualification for public office in its minimum degree; suspension from ——— in its minimum degree.

Scale No. 53.—Temporary special disqualification in its minimum degree; suspension from ——— in its minimum degree.

Scale No. 54.—*Relegación temporal* in its maximum degree; *confinamiento* in its maximum degree; banishment in its maximum degree; public censure; caution.

Scale No. 55.—*Presidio correccional* in its medium degree; *arresto mayor* in its medium degree; fine.

Scale No. 56.—*Presidio mayor* in its minimum degree; *presidio correccional* in its minimum degree; *arresto mayor* in its minimum degree.

Scale No. 57.—*Presidio mayor* in its medium degree; *presidio correccional* in its medium degree; *arresto mayor* in its medium degree; fine.

Scale No. 58.—*Cadena temporal* in its minimum degree; *presidio mayor* in its minimum degree; *presidio correccional* in its minimum degree; *arrasto mayor* in its minimum degree.

NINTH GROUP.

[Subdivided penalties of the eighth group.]

Scale No. 59.—Maximum degree of *confinamiento* in its maximum degree; maximum degree of that of banishment in its maximum degree; public censure; caution.

Scale No. 60.—Maximum degree of *relegación temporal* in its maximum degree; maximum degree of *confinamiento* in its maximum degree; maximum degree of banishment in its maximum degree; public censure; caution.

General table of the duration of penalties in all the forms and combinations prescribed in the code and their division into degrees.

Penalties.	Time included in the entire penalty.	Time included in its minimum degree.	Time included in its medium degree.	Time included in its maximum degree.
1. *Arresto mayor*	From 1 month and 1 day to 6 months.	From 1 to 2 months	From 2 months and 1 day to 4 months.	From 4 months and 1 day to 6 months.
2. *Arresto mayor* in its minimum degree.	From 1 month and 1 day to 2 months.	From 1 month and 1 day to 1 month and 10 days.	From 1 month and 11 days to 1 month and 20 days.	From 1 month and 21 days to 2 months.
3. *Arresto mayor* in its medium degree.	From 2 months and 1 day to 4 months.	From 2 months and 1 day to 2 months and 20 days.	From 2 months and 21 days to 3 months and 10 days.	From 3 months and 11 days to 4 months.
4. *Arresto mayor* in its maximum degree.	From 4 months and 1 day to 6 months.	From 4 months and 1 day to 4 months and 20 days.	From 4 months and 21 days to 5 months and 10 days.	From 5 months and 11 days to 6 months.
5. *Arresto mayor* in its minimum and medium degrees.	From 1 month and 1 day to 4 months.	From 1 month and 1 day to 2 months.	From 2 months and 1 day to 3 months.	From 3 months and 1 day to 4 months.
6. *Arresto mayor* in its medium and maximum degrees.	From 2 months and 1 day to 6 months.	From 2 months and 1 day to 3 months and 10 days.	From 3 months and 11 days to 4 months and 20 days.	From 4 months and 21 days to 6 months.
7. Maximum degree of *arresto mayor* in its minimum and medium degrees.	From 3 months and 1 day to 4 months.	From 3 months and 1 day to 3 months and 10 days.	From 3 months and 11 days to 3 months and 20 days.	From 3 months and 21 days to 4 months.
8. *Arresto mayor* to *prisión correccional* in its minimum degree.	From 1 month and 1 day to 2 years and 4 months.	From 1 month and 1 day to 10 months.	From 10 months and 1 day to 1 year and 7 months.	From 1 year 7 months and 1 day to 2 years and 4 months.
9. *Arresto mayor* to *prisión correccional* in its maximum degree.	From 1 month and 1 day to 6 years.	From 1 month and 1 day to 2 years and 20 days.	From 2 years and 21 days to 4 years and 10 days.	From 4 years and 11 days to 6 years.
10. *Arresto mayor* in its medium degree to *prisión* (or *presidio*) *correccional* in its minimum degree.	From 2 months and 1 day to 2 years and 4 months.	*Arresto mayor* in its medium degree.	*Arresto mayor* in its maximum degree.	*Prisión correccional* in its minimum degree.
11. *Arresto mayor* in its maximum degree to *prisión* (or *presidio*) *correccional* in its minimum degree.	From 4 months and 1 day to 2 years and 4 months.	From 4 months and 1 day to 1 year.	From 1 year and 1 day to 1 year and 8 months.	From 1 year 8 months and 1 day to 2 years and 4 months.
12. *Arresto mayor* in its maximum degree to *prisión* (or *presidio*) *correccional* in its medium degree.	From 4 months and 1 day to 4 years and 2 months.	*Arresto mayor* in its maximum degree.	*Prisión correccional* in its minimum degree.	*Prisión correccional* in its medium degree.

13. Maximum degree of *arresto mayor* in its medium degree to *presidio correccional* in its minimum.	*Presidio correccional* in its minimum degree. (From 6 months and 1 day to 2 years and 4 months.	From 6 months and 1 day to 1 year 1 month and 10 days.	From 1 year 1 month and 11 days to 1 year 8 months and 20 days.	From 1 year 8 months and 21 days to 2 years and 4 months.
14. Minimum degree of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum degree.	From 4 months and 1 day to 1 year.	From 4 months and 1 day to 6 months and 20 days.	From 6 months and 21 days to 9 months and 10 days.	From 9 months and 11 days to 1 year.
15. Maximum degree of *arresto mayor* in its maximum degree to *prisión correccional* in its minimum.	From 1 year 8 months and 1 day to 2 years and 4 months.	From 1 year 8 months and 1 day to 1 year 10 months and 20 days.	From 1 year 10 months and 21 days to 2 years 1 month and 10 days.	From 2 years 1 month and 11 days to 2 years and 4 months.
16. *Cadena temporal*.....	From 12 years and 1 day to 20 years.	From 12 years and 1 day to 14 years and 8 months.	From 14 years 8 months and 1 day to 17 years and 4 months.	From 17 years 4 months and 1 day to 20 years.
17. *Cadena temporal* to *cadena perpetua*.	From 12 years and 1 day to *cadena perpetua*.	From 12 years and 1 day to 16 years.	From 16 years and 1 day to 20 years.	*Cadena perpetua*.
18. *Cadena temporal* in its medium degree to *cadena perpetua*.	From 14 years 8 months and 1 day to *cadena perpetua*.	The medium degree of *cadena temporal*.	Maximum degree of *cadena temporal*.	Do.
19. Maximum degree of *cadena temporal*.	From 17 years 4 months and 1 day to 20 years.	From 17 years 4 months and 1 day to 18 years 2 months and 20 days.	From 18 years 2 months and 21 days to 19 years 1 month and 10 days.	From 16 years 1 month and 10 days to 20 years.
20. *Cadena temporal* in its maximum degree to *cadena perpetua*.	From 17 years 4 months and 1 day to *cadena perpetua*.	From 17 years 4 months and 1 day to 18 years and 8 months.	From 18 years 8 months and 1 day to 20 years.	*Cadena perpetua*.
21. *Cadena temporal* in its maximum degree to death.	From 17 years 4 months and 1 day to death.	*Cadena temporal* in its maximum degree.	*Cadena perpetua*.....	Death.
22. *Cadena perpetua* to death.....	*Cadena perpetua* to death.....	*Cadena perpetua* (according to the rules of article 79).	*Cedena perpetua* (according to the rules of article 79).	Do.
23. *Confinamiento*.....	From 6 years and 1 day to 12 years.	From 6 years and 1 day to 8 years.	From 8 years and 1 day to 10 years.	From 10 years and 1 day to 12 years.
24. *Confinamiento* in its minimum degree.	From 6 years and 1 day to 8 years.	From 6 years and 1 day to 6 years and 8 months.	From 6 years 8 months and 1 day to 7 years and 4 months.	From 7 years 4 months and 1 day to 8 years.
25. *Confinamiento* in its minimum and medium degrees.	From 6 years and 1 day to 10 years.	From 6 years and 1 day to 7 years and 4 months.	From 7 years 4 months and 1 day to 8 years and 8 months.	From 8 years 8 months and 1 day to 10 years.
26. *Confinamiento* in its maximum degree.	From 10 years and 1 day to 12 years.	From 10 years and 1 day to 10 years and 8 months.	From 10 years 8 months and 1 day to 11 years and 4 months.	From 11 years 4 months and 1 day to 12 years.

General table of the duration of penalties in all the forms and combinations prescribed in the code and their division into degrees—Continued.

Penalties.	Time included in the entire penalty.	Time included in its minimum degree.	Time included in its medium degree	Time included in its maximum degree.
27. Maximum degree of *confinamiento* in its maximum degree.	From 11 years 4 months and 1 day to 12 years.	From 11 years 4 months and 1 day to 11 years 6 months and 20 days.	From 11 years 6 months and 21 days to 11 years 9 months and 10 days.	From 11 years 9 months and 11 days to 12 years.
28. *Confinamiento* in its maximum degree to *relegación temporal.*	From 10 years and 1 day to 20 years.	From 10 years and 1 day to 13 years and 4 months.	From 13 years 4 months and 1 day to 16 years and 8 months.	From 16 years 8 months and 1 day to 20 years.
29. Disqualification in its minimum degree.	From 6 years and 1 day to 8 years.	From 6 years and 1 day to 6 years and 8 months.	From 6 years 8 months and 1 day to 7 years and 4 months.	From 7 years 4 months and 1 day to 8 years.
30. Disqualification in its minimum and medium degrees.	From 6 years and 1 day to 10 years.	From 6 years and 1 day to 7 years and 4 months.	From 7 years 4 months and 1 day to 8 years and 8 months.	From 8 years 8 months and 1 day to 10 years.
31. Disqualification in its maximum degree to perpetual disqualification.	From 10 years and 1 day to perpetual disqualification.	From 10 years and 1 day to 11 years.	From 11 years and 1 day to 12 years.	Perpetual disqualification.
32. Temporary absolute disqualification to perpetual.	From 6 years and 1 day to perpetual disqualification.	From 6 years and 1 day to 9 years.	From 9 years and 1 day to 12 years.	Do.
33. *Presidio, prisión correccional* and banishment.	From 6 months and 1 day to 6 years.	From 6 months and 1 day to 2 years and 4 months.	From 2 years 4 months and 1 day to 4 years and 2 months.	From 4 years 2 months and 1 day to 6 years.
34. *Presidio correccional* in its minimum degree.	From 6 months and 1 day to 2 years and 4 months.	From 6 months and 1 day to 1 year 1 month and 10 days.	From 1 year 1 month and 11 days to 1 year 8 months and 20 days.	From 1 year 8 months and 21 days to 2 years and 4 months.
35. *Presidio correccional* in its medium degree.	From 2 years 4 months and 1 day to 4 years and 2 months.	From 2 years 4 months and 1 day to 2 years 11 months and 10 days.	From 2 years 11 months and 11 days to 3 years 6 months and 20 days.	From 3 years 6 months and 21 days to 4 years and 2 months.
36. *Presidio correccional* in its minimum and medium degrees.	From 6 months and 1 day to 4 years and 2 months.	From 6 months and 1 day to 1 year 8 months and 20 days.	From 1 year 8 months and 21 days to 2 years 11 months and 10 days.	From 2 years 11 months and 11 days to 4 years and 2 months.
37. *Presidio correccional* in its medium and maximum degrees.	From 2 years 4 months and 1 day to 6 years.	From 2 years 4 months and 1 day to 3 years 6 months and 20 days.	From 3 years 6 months and 21 days to 4 years 9 months and 10 days.	From 4 years 9 months and 11 days to 6 years.
38. *Presidio correccional* in its maximum degree.	From 4 years 2 months and 1 day to 6 years.	From 4 years 2 months and 1 day to 4 years 9 months and 10 days.	From 4 years 9 months and 11 days to 5 years 4 months and 20 days.	From 5 years 4 months and 21 days to 6 years.
39. *Presidio correccional* in its medium degree to *presidio mayor* in the minimum.	From 2 years 4 months and 1 day to 8 years.	The medium degree of *presidio correccional.*	The maximum degree of *presidio correccional.*	The minimum degree of *presidio mayor.*

40. *Presidio correccional* in its maximum degree to *presidio mayor* in its minimum degree.	From 4 years 2 months and 1 day to 8 years.	From 4 years 2 months and 1 day to 5 years 5 months and 10 days.	From 5 years 5 months and 11 days to 6 years 8 months and 20 days.	From 6 years 8 months and 21 days to 8 years.
41. *Presidio correccional* in its maximum degree to *presidio mayor* in its medium degree.	From 4 years 2 months and 1 day to 10 years.	The maximum degree of *presidio correccional*.	The minimum degree of *presidio mayor*.	The medium degree of *presidio mayor*.
42. *Presidio correccional* to *presidio mayor* in its medium degree.	From 6 months and 1 day to 10 years.	From 6 months and 1 day to 3 years and 8 months.	From 3 years 8 months and 1 day to 6 years and 10 months.	From 6 years 10 months and 1 day to 10 years.
43. Minimum degree of *presidio correccional* in its medium degree to *presidio mayor* in its minimum.	From 2 years 4 months and 1 day to 4 years and 2 months.	From 2 years 4 months and 1 day to 2 years 11 months and 10 days.	From 2 years 11 months and 11 days to 3 years 6 months and 20 days.	From 3 years 6 months and 21 days to 4 years and 2 months.
44. Maximum degree of *presidio correccional* in its minimum and medium degrees.	From 2 years 11 months and 11 days to 4 years and 2 months.	From 2 years 11 months and 11 days to 3 years 4 months and 7 days.	From 3 years 4 months and 8 days to 3 years 9 months and 3 days.	From 3 years 9 months and 4 days to 4 years and 2 months.
45. Maximum degree of *presidio correccional* in its medium to the maximum degrees.	From 4 years 9 months and 11 days to 6 years.	From 4 years 9 months and 11 days to 5 years 2 months and 7 days.	From 5 years 2 months and 8 days to 5 years 7 months and 4 days.	From 5 years 7 months and 5 days to 6 years.
46. Maximum degree of *presidio correccional* in its medium degree to *presidio mayor* in the minimum.	From 6 years and 1 day to 8 years.	From 6 years and 1 day to 6 years and 8 months.	From 6 years 8 months and 1 day to 7 years and 4 months.	From 7 years 4 months and 1 day to 8 years.
47. Maximum degree of *presidio correccional* in its maximum degree to *presidio mayor* in the minimum.	From 6 years 8 months and 21 days to 8 years.	From 6 years 8 months and 21 days to 7 years 1 month and 24 days.	From 7 years 1 month and 25 days to 7 years 6 months and 27 days.	From 7 years 6 months and 28 days to 8 years.
48. Maximum degree of *presidio correccional* in its maximum degree to *presidio mayor* in its medium degree.	From 8 years and 1 day to 10 years. (Medium degree of *presidio mayor*.)	From 8 years and 1 day to 8 years and 8 months.	From 8 years 8 months and 1 day to 9 years and 4 months.	From 9 years 9 months and 1 day to 10 years.
49. Maximum degree of *presidio correccional* to *presidio mayor* in its medium degree.	From 6 years 10 months and 1 day to 10 years.	From 6 years 10 months and 1 day to 7 years 10 months and 20 days.	From 7 years 10 months and 21 days to 8 years 11 months and 10 days.	From 8 years 11 months and 11 days to 10 years.
50. *Presidio: Prisión mayor*	From 6 years and 1 day to 12 years.	From 6 years and 1 day to 8 years.	From 8 years and 1 day to 10 years.	From 10 years and 1 day to 12 years.
51. *Prisión mayor* in its minimum and medium degrees.	From 6 years and 1 day to 10 years.	From 6 years and 1 day to 7 years and 4 months.	From 7 years 4 months and 1 day to 8 years and 8 months.	From 8 years 8 months and 1 day to 10 years.
52. *Prisión mayor* in its medium and maximum degrees.	From 8 years and 1 day to 12 years.	From 8 years and 1 day to 9 years and 4 months.	From 9 years 4 months and 1 day to 10 years and 8 months.	From 10 years 8 months and 1 day to 12 years.

General table of the duration of penalties in all the forms and combinations prescribed in the code and their division into degrees—Continued.

Penalties.	Time included in the entire penalty.	Time included in its minimum degree.	Time included in its medium degree.	Time included in its maximum degree.
53. *Prisión mayor* in its maximum degree.	From 10 years and 1 day to 12 years.	From 10 years and 1 day to 10 years and 8 months.	From 10 years 8 months and 1 day to 11 years and 4 months.	From 11 years 4 months and 1 day to 12 years.
54. *Prisión mayor* in its medium degree to *reclusión temporal* in the minimum.	From 8 years and 1 day to 14 years and 8 months.	*Prisión mayor* in its medium degree (8 years and 1 day to 10 years).	*Prisión mayor* in its maximum degree (10 years and 1 day to 12 years).	*Reclusión temporal* in its minimum degree (12 years and 1 day to 14 years and 8 months.
55. *Prisión mayor* in its medium degree to *reclusión temporal* to its full extent.	From 8 years and 1 day to 20 years.	From 8 years and 1 day to 12 years.	From 12 years and 1 day to 16 years.	From 16 years and 1 day to 20 years.
56. *Presidio mayor* in its medium degree to *cadena temporal* in its minimum degree.	From 8 years and 1 day to 14 years and 8 months.	From 8 years and 1 day to 10 years. (Medium degree of *presidio mayor*.)	From 10 years and 1 day to 12 years. (Maximum degree of *presidio mayor*).	From 12 years and 1 day to 14 years and 8 months. (Minimum degree of *cadena*.)
57. Maximum degree of *presidio mayor* in its medium degree to *cadena temporal* in its minimum degree.	From 12 years and 1 day to 14 years and 8 months. (Minimum degree of *cadena temporal*.)	From 12 years and 1 day to 12 years 10 months and 20 days.	From 12 years 10 months and 21 days to 13 years 9 months and 10 days.	From 13 years 9 months and 11 days to 14 years and 8 months.
58. *Reclusión temporal*	From 12 years and 1 day to 20 years.	From 12 years and 1 day to 14 years and 8 months.	From 14 years 8 months and 1 day to 17 years and 4 months.	From 17 years 4 months and 1 day to 20 years.
59. *Reclusión temporal* in its medium and maximum degrees.	From 14 years 8 months and 1 day to 20 years.	From 14 years 8 months and 1 day to 16 years 5 months and 10 days.	From 16 years 5 months and 11 days to 18 years 2 months and 20 days.	From 18 years 2 months and 21 days to 20 years.
60. *Reclusión temporal* to *reclusión perpetua*.	From 12 years and 1 day to *reclusión perpetua*.	From 12 years and 1 day to 16 years.	From 16 years and 1 day to 20 years.	*Reclusión perpetua*.
61. *Reclusión temporal* to death	From 12 years and 1 day to death.	From 12 years and 1 day to 20 years.	*Reclusión perpetua*	Death.
62. *Reclusión temporal* in its maximum degree to death.	From 17 years 4 months and 1 day to death.	From 17 years 4 months and 1 day to 20 years.	do	Do.
63. *Reclusión perpetua* to death	*Reclusión perpetua* to death	*Reclusión perpetua*	do	Do.
64. *Relegación temporal*	From 12 years and 1 day to 20 years.	From 12 years and 1 day to 14 years and 8 months.	From 14 years 8 months and 1 day to 17 years and 4 months.	From 17 years 4 months and 1 day to 20 years.
65. *Relegación temporal* in its maximum degree.	From 17 years 4 months and 1 day to 20 years.	From 17 years 4 months and 1 day to 18 years 2 months and 20 days.	From 18 years 2 months and 21 days to 19 years 1 month and 10 days.	From 19 years 1 month and 11 days to 20 years.

	day to 18 years 2 months and 1 20 days.	From 18 years 2 months and 21 days to 19 years 1 month and 10 days.	... to 20 years.	From 19 years 1 month and 11 days to 20 years.
66. Maximum degree of *relegación temporal* in its maximum degree.	From 19 years 1 month and 11 days to 20 years.	From 19 years 1 month and 11 days to 19 years 4 months and 25 days.	From 19 years 4 months and 26 days to 19 years 8 months and 13 days.	From 19 years 8 months and 14 days to 20 years.
67. *Relegación temporal* in its maximum degree to *relegación perpetua.*	From 17 years 4 months and 1 day to *relegación perpetua.*	From 17 years 4 months and 1 day to 18 years and 8 months.	From 18 years 8 months and 1 day to 20 years.	*Relegación perpetua.*
68. Suspension.....	From 1 month and 1 day to 6 years.	From 1 month and 1 day to 2 years.	From 2 years and 1 day to 4 years.	From 4 years and 1 day to 6 years.
69. Suspension in its minimum and medium degrees.	From 1 month and 1 day to 4 years.	From 1 month and 1 day to 1 year 4 months and 20 days.	From 1 year 4 months and 21 days to 2 years 8 months and 10 days.	From 2 years 8 months and 11 days to 4 years.
70. Suspension in its medium and maximum degrees.	From 2 years and 1 day to 6 years.	From 2 years and 1 day to 3 years and 4 months.	From 3 years 4 months and 1 day to 4 years and 8 months.	From 4 years 8 months and 1 day to 6 years.
71. Suspension in its maximum degree to temporary absolute disqualification in its minimum degree.	From 4 years and 1 day to 8 years.	From 4 years and 1 day to 5 years and 4 months.	From 5 years 4 months and 1 day to 6 years and 8 months.	From 6 years 8 months and 1 day to 8 years.
72. Suspension in its maximum degree to temporary absolute disqualification in its medium degree.	From 4 years and 1 day to 10 years.	Maximum degree of suspension. (From 4 years and 1 day to 6 years.)	Minimum degree of disqualification. (From 6 years and 1 day to 8 years.)	Medium degree of disqualification. (From 8 years and 1 day to 10 years.)
73. Suspension in its medium and maximum degrees to temporary absolute disqualification in its medium degree.	From 2 years and 1 day to 10 years.	From 2 years and 1 day to 4 years and 8 months.	From 4 years 8 months and 1 day to 7 years and 4 months.	From 7 years 4 months and 1 day to 10 years.

INDEX.

Abandonment: Article.
Of office or public duties 383, 412
Of the education of children 611
Of children 506–508, 611
Abduction of minors 503–505, 508
Abduction of women 463–470
Abortion, crime of 423–426
Absconding and criminal failure and insolvency 547–557
Abuses:
Of ecclesiastics 142, 275, 310, 369, 371, 388
Against chastity 390, 391, 455
Of credulity by divination, etc 614
Of rank 10
Accessories in crimes, who are, their penalty, etc 14, 15, 67, 69, 71–75
Accomplices:
Who are such, etc 11, 13, 66, 68, 70, 74, 75, 125, 469, 552
In misdemeanors 629
Accusation or denunciation, penalties for calumnious, etc 334–338
Acknowlegement of children 468
Acts of contumely 474–486, 613
Against the King 159–160
Against the colegislative bodies or ministers of the Crown 167
Concession of permission to prosecute those committed during judicial proceedings 486
And omissions, voluntary ..... 1 et seq.
Administrative licenses 505
Adoption an impediment to marriage 496
Adulterated medicine, etc 349, 603
Adulterated substances 603, 604
Adultery 437, 447–452
Age, its influence in the increase or reduction of penalties 8, 9, 10, 17, 84, 107, 129
Aggravating circumstances in crimes 9, 10, 76–96, 591
Amnesty 130
Animals:
Fierce and dangerous 607, 618
Cruelty to, order of May 28, 1900 ..... page 140
Apprentices 19
Arbitrary punishments, imposed by officials and authorities ..... 192 et seq.
Archivists, faithlessness in the custody of documents 371–373
Armed force 10, 164
Arms:
Their use without permission 599, 612
Discharge of, according to the cases 421, 595

Article.
In robbery ..... 526 et seq.
In meeetings 184
Armistice. (*See* Truce.)
Arresto mayor 24, 27, 60, 87, 95, 116, 132
Arresto menor 24, 27, 95, 116, 132
Assassination 14, 414, 422
Assistance of armed men 10
Assistance to authorities refused, a crime 376, 378
Attempted crimes 3, 5, 64, 156, 161
Attempts:
At crime 3, 65, 70, 71, 150, 156, 161, 420, 524
Against the authorities, intimidations, etc ..... 258 et seq.
Attorneys at law, wrongful advantage, etc 367, 368, 375
Asylums, confinement of lunatics and imbeciles 8
Auctions, frauds in 566
Authorities, public:
Attempts, resistance, disobedience, outrages, insults, and threats against 258–272
Lack of respect and obedience 596, 597
Their duties in case of disturbance of public order 254
Crimes committed before 10, 19
Seductions by 459
Banishment (penalty) 24, 27, 28, 87, 95, 114, 127, 132
Bankers and owners of gambling houses 354
Bank notes, falsification of ..... 299 et seq.
Bankruptcy, criminal and insolvency 547–557
Bankrupts 553, 554, 555, 556, 557, 629
Baths, violation of rules of decency and safety 604
Betrayal of trust 10
Bets 553
Bigamy 456, 490
Bodies, crimes of violation of sepulchres, etc 346, 351, 604
Boundaries of towns and estates, change of 546
Breach of trust 10
Breaking of a sentence 127, 128
Bribery 392–400
Briefs, bulls, dispatches, illegal execution of 142, 144
Buildings about to collapse 609
Bull fights in—
Cuba, order of May 28, 1900 ..... page 140
Porto Rico, order of March 12, 1900 ..... page 148
Bulls, briefs, dispatches, etc., illegal execution of 142–144
Cadena perpetua 24, 27, 53, 87, 92, 94, 104–107, 132
Cadena temporal 24, 27, 55, 87, 95, 104–107, 132
Cafés, taverns, bakeries, etc., adulteration of food stuffs and beverages, etc 603
Other misdemeanors 608
Callithumpian concerts 597
Calumnious denunciation 437, 447, 452
Calumny defined, penalties, etc 131, 447–452, 471–474
Castration, crime of 427
Cattle, damage to estates 619–621
Caution (penalty) 24, 27, 43, 49, 514
Censure 24, 49, 90, 115
Certificates, falsification of ..... 316 et seq.

Challenge. (*See* Duel.) Article.
Chastity, abuse of 390, 391, 455
Children, abandonment of. (*See* Relinquishment, etc.) 506–508, 611
Circumstances in crimes—
Which exempt 8
Extenuating and aggravating 9, 10, 76–96, 591
Civil interdiction defined, etc 24, 41, 53, 470
Civil liability arising from a crime 16–19, 119–126, 133
Civil status. (*See* Fictitious births.)
Cockfighting in Cuba, order of April 19, 1900 ..... page 139
Coercion, personal 512, 516, 612
Concubinage 452
Concubine of a married man, with scandal 452
Confinamiento (penalty) 24, 27, 59, 87, 88, 95, 114, 127
Conspiracy to commit a crime 4, 137, 156, 161, 244, 249
Consummated crimes 3, 5, 64, 156, 161
Constitution, crimes against the ..... 155 et seq.
Copyright. (*See* Literary and industrial property.)
Correspondence, interception or opening of 207–209
Corruption of minors 462, 467, 470
Cortes, crimes against ..... 163 et seq.
Costs and expenses in trials 24, 46–51
Craft, fraud, or disguise 10
Crimes and midemeanors:
Defined, etc 1–7
A consummated, attempted, and frustrated 3, 5, 64, 156, 161, 420, 514
Committed during the service of a sentence 129
Grave and less grave 6
Private 22
Criminal—
Concealment of property ..... 327 et seq.
Insolvency. (*See* Bankruptcy.)
Intention 9
Cruelty to animals in Cuba (order of May 28, 1900) .....
Cults. (*See* Religion.)
Customs, grave offenses against modesty or customs 457, 458
Damage:
Crimes 535, 586–591
Misdemeanors 593, 618, 619, 627
Accidental 8, 83
Repair of 119, 121, 123
Dangerous animals .....
Death, penalty of:
Its effects, execution, etc 24, 52, 87, 100–103
Prescription 132
Of the criminal, extinguishes liability 130
(*See* Confession.)
Defective substances 600
Defense, of one's self and property, and relatives, etc., exempts from liability. 8
Definition of crimes and misdemeanors 1–7
Degradation 24, 53, 118
Department of public prosecution:
Insults, etc 273
Representation 467
Dependents 19

Article.
Deportation 211
Deposits 559
Despatches, bulls, briefs, etc., illegal execution of 142, 144
Destruction—
Malicious, of property ..... 572 et seq.
Or alteration of landmarks fixing the bounds of towns, etc 546
Detention, illegal, of senators and deputies 168
Diplomas necessary to exercise a profession 339, 599
Discharge of firearms 421, 595
Discretion of courts in punishment of misdemeanors 628
Disguise, craft, or fraud 10
Disinterments of human corpses, etc 345, 346
Disobedience ..... 376 et seq.
Disorders, public 267–272, 596
Disqualification, penalty of 24, 26, 27, 30, 31, 38, 44, 45, 88, 127
Disturbances, duties of authorities in case of 254
Divinations and other abuses of credulity 614
Divorce, effects of final decree 451
Documents:
Faithlessness in the custody of 371, 373
Falsification of. (*See* Falsities.)
Dowry:
Of a woman seduced 468
Of a woman who contracted an illegal marriage in good faith 499
Druggists. (*See* Pharmacists.)
Drunkenness:
Extenuating circumstance 9
Causing scandal 597
Duel 438–446, 165, 264
Duration of penalties 27–29
(Table of division into degrees and their duration—(Appendix.)
Duty, fulfillment of, exempts from liability 8
Ecclesiastical ministers 142, 275, 459
Ecclesiastics, special provisions relating to 38, 142, 275, 310, 369, 371, 388
Education of children, abandonment of 611
Election frauds 179–189
Elections (crimes) 245, 267
Emigration, criminal 150
Employees 19
Escalamiento 10, 526, 530
Exorbitant fees by public employees 212, 215, 407–410
Extenuating circumstances in crimes 59, 76–79, 910
Extinction of liability 130, 133
Execution of penalties. (*See* Penalties.)
Failure, criminal 547, 557
Faithlessness in custody—
Of prisoners 369, 370
Of documents 371, 373
False keys. (*See* Keys.)
False rumors 568, 601
False swearing. (*See* Perjury.)
Falsities and falsifications—
In elections 179–189
Of the signature or stamp of the King 276–278

Article.
Of seals and marks 279–289
Of private marks or seals 287
Of money 290–298
Of bank notes, paper of the State, and stamped paper 310–313
Of private documents 314
Of cendulas or residence and certificates 316–321
Common provisions 322–326
False testimony ..... 328 et seq.
Fear 8, 17
Fictitious births ..... 487 et seq.
Fictitious contracts to the prejudice of third persons 562
Fictitious names 342, 526
Fierce animals 607, 618
Final sentence 10, 97, 129
Fine, penalty of 23, 24, 48, 49, 82, 91, 93, 632
(*See* Misdemeanors.)
Firearms:
Discharge of, according to the case 421, 595
In meetings 184
Use without permission 599, 612
Used in robberies ..... 526 et seq.
Fires, etc 572–575, 622
Aggravating circumstance 10, 12, 414, 429, 609, 622, 623
Fishing and hunting, violation of laws regarding 537, 616, 623
Flight of prisoners, connivance 270, 369, 370
Flood, fire, and poison 10, 420, 429
Forcible entry of dwellings 203, 509–511
King's palace 159
seizure of debtor's goods 516
Forfeiture:
In cases of crime 24, 61
In misdemeanors 630, 631
Form of government, crimes against the 169, 175
Foreigners 138
Foreign monarchs. (*See* International law.)
Frauds 547–557, 558, 560, 565, 591, 600, 601, 614, 630
And other cheats 558, 565
And illegal exactions 407–410
Craft or disguise 10
Fraudulent weights and measures 600
Fraudulous contracts to prejudice of a third person 562
Frustrated crimes 3, 5, 64, 156, 164
Fulfillment of duty exempts from liability 8
Games, forbidden 354–356, 553, 602
Gangs 10, 522, 523, 527, 587
Government, form of, crimes against 169, 175
Graduated scales. (*See* Appendix.)
Grandparents. (*See* Infanticide; Relationship; Parricide.)
Grave and less grave crimes 6
Grave offenses 9
Guardians, what is prohibited them 408, 497
Homicide 416–420
(*See* Infanticide; Parracide; Assassination; Robbery.)
Honor, crimes against ..... 471 et seq.

Article.
Hospitals—confinement of lunatics and imbeciles 8
Hunting and fishing—violations 537, 616, 623
Hygiene—regulations 603
Idiocy. (*See* Imbecility.)
Ignominy 10
Illegal associations—secret societies 186–191
(*See* Meetings.)
Illegal condemnation by public officials 216
(*See* Possession.)
Illegal appointments 389
Illegal detentions ..... 198, 210, 211, 500–502, 508 et seq.
Of senators and deputies 168
Provisional imprisonment 23
Illegal marriages 456, 490–499
Misdemeanors 611
Illegal exactions by employees 212–215, 407–410
Illicit. (*See* Illegal.)
Imbecility 8, 17, 99
Imposts. (*See* Exactions.)
Imprisonment, provisional 23
Improper exercise of a profession which requires a diploma 339, 599
Imprudence 592, 613
Incest 459
Indemnification for losses and damages ..... 119–122 et seq.
Individual rights, crimes against ..... 177 et seq.
Industrial and literary property 563
Infanticide or death of a new-born infant 422
Influence of age on duration of penalties 8, 9, 10, 17, 84, 107, 129
Inhabited houses, defined 528
Inhabited places, what is understood thereby 530
Innkeepers, liability of 18
Insanity or lunacy 8, 17, 99
(*See* Lunacy.)
Insignia or decorations, their improper use, etc 344
Insolvency, criminal 547, 557
Instruments, legal, faithlessness in custody of 371–373
Interception of correspondence 207–209
International law, attempts against foreign monarchs or their representatives, piracy, etc 151, 152
Intoxication:
Causing scandal 597
Extenuating circumstances 9
Inundation. (*See* Flood.)
Irresistible force 10
Juries, liability of 379
Keepers of records, faithlessness punished 371, 373
Keys, false, and picklocks 526, 530, 533, 534
Kidnaping. (*See* Abduction.)
Kings:
Death of foreign potentates 151
Immunity 152
Landmarks, alteration of 546
Law, international 151, 152
Lawyers. (*See* Attorneys at law.)

Law of nations. (*See* International law.) Article.
Lenders 570, 571
Lèse Majesté, crime of 155–162
Libel. (*See* Contumely.)
Liberty of education, abuses 190
Literary and industrial property 563
Loss of reason and self-control 9
Lotteries, unauthorized 355, 356
Lottery tickets, introduction of, in Cuba (order 230, December 4, 1899) ... page 137
Lucid intervals 8
Lunacy after the crime and after sentence has been passed 99
Lunatics, wandering through streets and public places without proper guardian 607
Luxury 553
Machinations to alter the price of things 566–569
Misdemeanor 601
Maintenance of illegitimate children 468
Malicious destruction of property ..... 572 et seq.
Malversation of public funds. (*See* Misappropriation.)
Manslaughter. (*See* Homicide; Infanticide; Assassination.)
Marriage impeded by adoption 496
Masks 599
Masters, subsidiary liability of 19
Medicines, adulterated, etc 349, 603
Meetings, public 186, 191, 605
Merchants 551
Military service 435, 436
Minors:
Abuse of their lack of experience or passions, etc 564
Corruption of 462, 467, 470
(*See* Marriage; Abduction, extenuating circumstances; Abduction of children, etc.)
Ministers of the Crown, crimes by and against ..... 140, 163, 262, 265 et seq.
Misappropriation of public funds 401–406
Misdemeanors:
Against general interests and the government of towns 600–609
Against persons 610–613
Against property 614–627
Against public order 593–599
Defined 1
Prescription 121
Provisions common to misdemeanors 628–634
Punishment 5, 6, 64
Modesty, offenses against 457, 458
Money:
Falsification of, etc 290–298
Refusal of legitimate and distribution of false, etc 600
Monarchs, foreign. (*See* International law.)
Mothers. (*See* Infanticide.)
Mutilation 428, 521
Negligence, criminal 592, 613, 621
Newspapers, correction of calumnies 483
Noxious substances 431
Obedience to authorities 596, 597

Article.
Coercion and threats 512, 516, 612
Officials 19
Omissions and acts, voluntary ..... 1 et seq.
Opening of correspondence 207–209
Outrages against deputies, senators, etc., what constitutes 165, 166, 262–266
(*See* Acts of contumely.)
Owners of gambling houses 354
Pardon 45, 53, 129, 130, 201
Pardon or condonation, when efficient 22, 130, 467, 486
Parental authority: Correction of the child by the parent 429
Parricide 14, 328, 413, 420, 437
Patents. (*See* Literary and industrial property.)
Pawnbrokers 570, 571
Pawning goods belonging to another 561
Pecuniary liabilities 48
Penal action:
Is not extinguished by the pardon of the party in crimes prosecuted *de oficio* 22
Prescription of 130
Penalties:
Arbitrary ..... 192 et seq.
Division into degrees of all penalties. (*See* Appendix; Prescription.)
For calumnious accusation 334–338
Formation of graduated scales. (*See* Appendix.)
Influenced by relationship 8, 10, 413, 422, 429, 433, 436, 459, 469, 484, 591
Their classification, duration, and effects, rules for applying, etc 20, 118
Perjury. Order 116, March 17, 1900 .....
Personal cedulas, falsification of 316–321
Personal coercions 512–516, 612
Persons:
Civilly liable ..... 16 et seq.
Criminally liable 11, 12
Perpetual expulsion 24, 27, 54, 87, 88, 92, 110
Pharmacists 603
Physical injuries: Castration, mutilation, wounds, etc 427, 437, 610, 611
Physicians:
Abuse of their profession 319, 426, 488
Misdemeanors committed by 607
Picklocks. (*See* Keys.)
Piracy 153, 154
Plans for regulating price of goods 509
Pledge of a thing belonging to another 561
Poison 10, 414, 429, 431
Police regulations, penalties which can be prescribed in 633
Possession, disturbance of a person in the, of his property 216
Premeditation 10, 414, 429
Prescription of penalties and crimes, when it takes place 130–133
Presidio correccional, mayor 24, 27, 56, 57, 87, 88, 95, 111
Priests and ministers, provisions relating to 38, 142, 275, 310, 369, 371, 388
Principals of crimes; their liability, etc 12, 62, 65, 125, 469
Printing, liability 7, 10, 191, 458, 613
Prisoners. (*See* Flight.)
Prisión correccional 24, 87, 88, 95, 113

Article.
Prisión mayor 24, 27, 60, 87, 88, 95, 113
Private crimes 22
Private documents, falsified 314
Prize fights. Order of March 12, 1900 .....
Profanation of corpses, cemeteries, etc 604
Profession:
Usurpation of 338–344
Exercise of, without a diploma 339, 599
Provisional imprisonment 23
To be counted as part of correctional and light penalty. Order 26, January 18, 1900 .....
Property:
Criminal concealment ..... 327 et seq.
Crimes against. (*See* Robbery, Theft, Usurpation, Frauds, etc.)
Prostitution:
Violation of police regulations 604
Penalty incurred by the person who encourages the prostitution of minors. 462
Benefit denied to those who prostitute their wives and daughters 437
Provocation 9
of war, liability for 134, 136, 141, 145, 149
Public acts, serious disturbance of order in 267–269
Publicity, an aggravating circumstance 10
Public disorders 267–272, 596
Public duties, anticipation of 380, 382
Public employees:
Crimes in the exercise of their duties, etc 192–223, 255, 357–411
Who are considered, for the purposes of the law 412
Public health 347–353, 431, 432
Public offices 380–383
Elective, refusal of acceptance 379
Public office, abandonment of 383, 412
Public order (crimes against), rebellion, sedition, etc 237–275
Misdemeanors against ..... 585 et seq.
Public rumor 467
Public scandal (crimes of) 456, 458
Public vehicles 607, 618
Pugilistic encounters in Porto Rico. Order of March 12, 1900 ..... page 148
Pupils 19
Raffles 355, 356
Rank, acts in contempt of 10
Rape of a woman 453, 468–470, 521
Rebellion 237–244, 252–257
Recidivist 10, 15, 16
Reclusion 24, 27, 54, 58, 87, 88, 92, 95, 108
Refusal of assistance to the authorities 376–378
Regent of the Kingdom, attempts against 161
Regicide 14, 155–162
Regulations:
Penalties which may be prescribed in police 633
Application of the code when referred to 633
Rehabilitation in rights, offices, etc 44, 45
Relationship, influence in penalties 8, 10, 413, 422, 429, 433, 436, 437, 459, 469, 484, 591
Release of prisoners 270

Article.
Relegacion 24, 27, 54, 58, 88, 92, 95, 109
Religion:
Crimes against the free exercise of 230–236
Misdemeanors 594
Relinquishment of foundlings 611
Repair of damages 119, 121, 123
Resistance and disobedience 261
Restitution 119, 120, 123
Retroactive effect 2, 20, 21
Rights:
The deprivation of, established in the civil laws in a penal form not considered penalties 23
Of individuals, crimes against ..... 177 et seq
Robbery 520–534
Liability of innkeepers, etc 18
Sacred places 10
Sanitary regulations 603
Scandal, public (crimes of) 456, 458
Schemes to increase or reduce the price of goods 509
Seals and marks, falsified 279–289
Secrets, violation of, etc 367, 374, 375, 517–519
Secret societies 186, 191
(*See* Meetings.)
Security of the State ..... 134 et seq
Sedition 245–257
Seduction 459, 467
Seizure with violence of a thing belonging to a debtor, etc 516
Self-defense exempts from liability 8
Servants 19, 459, 608
Sex, influence in liability and penalty 10, 94, 103
Sexual crimes. (*See* Adultery, Rape, Bigamy, etc.)
Signature of King, imitation of 276–278
Special laws 7
State, crimes against the 134–154
Streets and squares, violation of regulations 604, 607
Students 19
Subornation 392–400
Suicide 419
Supplies 601
Support of illegitimate children 468
Surgeons. (*See* Physicians.)
Suspension (penalty of) defined, effects of, duration, etc 23, 24, 26, 27, 36–38, 40, 88, 95, 132
Suspension of public employees, when not considered a penalty 23
Syndics 467
Tavern keepers 18, 600, 608
Teachers, liability 19, 459, 469
Temporary expulsion 24, 27, 58, 87, 88, 92, 110
Theft 18, 535–538, 614
Threats and coercion 512–516, 612
Which constitute outrages against deputies, senators, authorities, etc .. 165, 166 262–266
Of the King 159, 160
(*See* Public Authorities.)

Article.
Time of penalties 27–29
Table of division into degrees and duration. (*See* Appendix.)
Transactions forbidden to employees 411
Treachery 10, 414, 429
Treason and attempts against the independence and integrity of the State. 14, 134–141
Treaties 138, 140, 141
Trees, felling of, in the estate of another, causing damage 625
(*See* Damage.)
Truce, violation of 146
Tumults. (*See* Public order.)
Uninhabited places 10, 522, 527
Unlawful. (*See* Illegal.)
Unsafe buildings 609
Usurpation:
Of public duties, authority, profession, etc 338–344
Of powers 384–389
Of real property or of a property right 545
Vagrancy 10
Vehicles, public 607, 618
Vengeance 587
Violation:
Of secrets 367, 374, 375
Of a truce. (*See* Truce.)
Violation of sepulchers 346, 351, 604
Violence 515–516
(*See* Robbery.)
Voluntary acts and omissions ..... 1 et seq
Wagers 553
War, liability for its provocation, etc 134, 136, 141, 145, 149
Waters 626
Widow who marries before the legal period 495
Witnesses 379
(*See* False testimony.)
Women:
Dowry of those seduced 468
Who contracted illegal marriage in good faith 499
(*See* Sex.)
Wounds. (*See* Physical injuries.)
Wrongful entry:
Of dwellings 203, 509–511
Of the residence of the King 159

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